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THE CRISIS

MARIAN ANDERSON
("Greatest contralto voice of the century . . ."—See page 101)

DO WE WANT EQUALITY?

George S. Schuyler

A Trip Through the Flood Area

Roy Wilkins

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THE CRISIS

Founded 1910

REG. U. S. PAT. OFF.

A Record of the Darker Races

ROY WILKINS, Editor

ADVISORY BOARD

J. E. Spingarn *Dr. Louis T. Wright* *James Weldon Johnson* *Lewis Gannett* *Walter White*

Volume 44, No. 4 *Whole No. 316*

CONTENTS FOR APRIL, 1937

COVER
Marian Anderson

Page

DO WE REALLY WANT EQUALITY?
By George S. Schuyler.......................... 102

THROUGH THE 1937 FLOOD AREA
By Roy Wilkins.................................. 104

JUSTICE HARLAN ON HUMAN RIGHTS
By Benjamin Franklin Klein..................... 107

KING OF SWING
By John Hammond................................. 110

NEGRO PLAYERS IN MAJOR LEAGUE BASEBALL?
Some replies from sports editors................ 112

EDITORIALS 113

FROM THE PRESS OF THE NATION......... 115

ALONG THE N.A.A.C.P. BATTLEFRONT
News from the branches and youth councils..116-122

BOOK REVIEW 123

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NEXT MONTH

We hope to present the first of a series of articles by George Padmore, now living in London, on certain aspects of the African problem in its relationship to the world today. The first article in this series is tentatively titled "Abyssinia, the Last of Free Africa."

•

Another piece in the May issue will deal with the menace to the Negro of the present agitation for sterilization.

•

So much discussion has arisen in this country (more than in any other) over the amount of Negro blood in the Russian poet Pushkin, that a short article entitled "Pushkin's Negro Blood" by Guichard Parris and Anna Heifetz will be of timely interest.

•

There will be, too, the long-promised article on Negro Building and Loan Associations in Philadelphia by I. Maximilian Martin.

•

We expect to present book reviews of Angelo Herndon's "Let Me Live;" of Claude McKay's "A Long Way From Home;" and of George Lee's "River George."

OUR CONTRIBUTORS

George S. Schuyler is the well-known columnist and magazine writer.

•

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•

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THE COVER

Marian Anderson, foremost contralto of the day, is concluding an American tour with a concert April 2 in Carnegie Hall, New York City. She was the soloist on March 21 over a nation-wide radio network with the General Motors symphony orchestra.

Do We Really Want Equality?

By George S. Schuyler

IS there really any great ferment among Negroes for the full manhood rights guaranteed them by the Constitution? Is the dark brother overly disturbed by the circumstance of living in what is virtually a vast jail where at best he is seldom more than a trusty? Is there any external evidence that he is disposed to do anything much about it?

The unsentimental behaviorist who travels and observes the Aframerican in his various habitats must regretfully conclude that in the main he is inured to and satisfied with pariahdom. Striking confirmation of this lugubrious conclusion is to be found in his elaborate rationalizations of his position, his generally uncomplaining acceptance of the most galling discriminations and his usually studied avoidance of remedial measures.

True, he talks more about equal rights than anybody this side of the River Styx, but like Ol' Man River, "he don' do nuthin" and "keeps on rollin' along" toward further crystallization of status. If he is "educated" he defends this defeatism by dubbing it his "technique of survival," as if surviving as a slave were an admirable ambition. Or, he piously pretends that discrimination and segregation are heavenly visitations designed to test his soul, and will ultimately prove a boon by forcing him to "do something for himself" or "build up his own institutions," etc., etc., ad infinitum, although there is no factual support anywhere for such a weird belief. Some supposedly educated Negroes will even argue that slavery was a blessing in disguise because it removed the victims from the "savagery" of pagan Africa to the "civilization" of Christian America.

The singular thing about this "technique of survival" is that it permits only a small minority to survive. Between the exorbitant rents of congested death traps in the black ghettos, alarming sickness and death rates, marginal economic existence, scarcity or absence of clinics, no or inadequate hospitalization, lack of playgrounds and the psychological abrasion of ostracism, it often seems that we are scarcely surviving at all.

It is illuminating that those who discuss this "technique of survival" most eloquently are usually the most favorably circumstanced Negroes, sleek beneficiaries of segregation. There is no spectacle more diverting than one of these "leaders" arguing the merits of segregation while dining with some white philanthropist or sipping a Martini in a Pullman drawing room secured through the beneficence of a "good white friend."

Colored Americans, in the North as well as in the South, are living in a "vast jail," according to Mr. Schuyler, and apparently are satisfied, since they do little or nothing to win the status of really free men

Little Militancy in South

One expects little protest against inequality from the Negro in the South, and one is rarely disappointed. Militant Negroes there are almost as scarce as pterosauri. They generally point with obvious relief to the savagery surrounding them as an excuse for doing nothing except moan "down by the big gate." They have become so conditioned to acceptance that any suggestion that they contend for anything due them is received with alarm and consternation. If it were not for the accounts of lynchings that periodically enliven the public prints, one would imagine that Dixie and Paradise were synonymous.

How frequently is the dusky traveler through this modern Hades regaled with, "This is a pretty good town. The white folks don't bother us. (Neither does a prison guard bother a tractable convict!) Nobody's been lynched in this town in twenty years," and so on?

Although it is possible for Negroes to register and vote in many places in the South, "leaders" wage few, if any, campaigns to induce them to do so. And only a handful heed such admonitions.

The fact that laws enforcing segregation exist in all southern states is everywhere accepted by Negroes as an excuse for never publicly making known that they resent them. Nor is there scarcely ever any demand that these laws, objectionable as they are, be equitably enforced.

The masses seem to be completely cowed and such public "education" as they have received has ironed away the militancy of reconstruction days and left them serene and complacent in their serfdom. And yet, strangely enough, there is widespread grumbling among the brethren when some white person makes the perfectly truthful statement that they are satisfied and do not want social equality.

To be sure there are exceptions, just as there are black squirrels and white elephants. One recalls the commendable if sporadic activity of a few N.A.A.C.P. branches in Dixie whereupon nothing violent happened. These exceptions merely emphasize the rule and disprove the inevitability of mob death implied in the general mouse-like inaction.

Like Inequalities?

Yes, we must assume from their behavior that southern Negroes favor separate, inadequate and inferior school facilities; that they believe in lower salaries for Negro teachers; that they approve of Negro children walking to school while white children ride in comfortable buses; that they look indulgently upon lack of sewers and paving, and consider taxation without representation desirable. Hearing virtually no protests against these conditions, except from the North; hearing no demands made save by an occasional "radical" or "crazy" Negro whom the masses usually ignore, and hearing of the existence of no adequate machinery anywhere in Dixie intelligently and persistently pressing for equal rights through the courts or public opinion, the behaviorist must conclude that Negroes are satisfied with things as they are.

The possibility of going to the courts to enforce equitable distribution of educational funds seems never to have occurred to Southern Negroes until the N.A.A.C.P. campaign was made possible by white (not colored!) financing. Since they can always find sufficient money to stage innumerable conventions, conferences, barbecues, "stomps" and whatnot, and since they will directly benefit from any favorable legal decisions won by N.A.A.C.P. lawyers, perhaps substantial financial support from the South may be forthcoming. It is extremely improbable, however, if one is to judge the future by the past. Indeed, some Negro "educators" in the Tar Heel State actually fought the Association's campaign there and terrorized underpaid colored teachers into ignominious inactivity.

But, to repeat, one expects little from the South except the annual migrants tiring of the role of door mat. "Education" and fear have so conditioned the others that the only blows they are willing to strike are at each other. Not only have they been taught to turn the other cheek but to bend far over as well. Is it not significant that the only activities of southern Negro students have been scholastic, athletic, musical and social, or occasionally striking for better meals or increased campus privileges? Meanwhile students in oppressed lands like China, India, Egypt and Cuba have agitated and demonstrated for broad human rights and an improved society. A Negro student demonstration demanding civil rights would create as much of a sensation in Dixie as a Brontosaurus browsing along Broadway. One can picture affrighted "leaders" first staging a grand shushing and then floundering at the feet of the Kluxers apologizing for this militancy of the "unthinking" and "intemperate" youngsters so distressingly ungrateful for crumbs.

Northerners Supine

Throughout the North, East and West, we do not even have the excuse of jim crow laws and probable terrorism to explain our singular supineness. To be sure northern Negroes give less indication of complete surrender to the Ku Klux spirit than their southern brethren (it would be difficult to give *more*) but external evidences of resentment against discrimination and segregation are lamentably scarce. At best such demonstrations are fitful and sporadic, the result of transient emotionalism that flares up suddenly and as quickly flickers out, rather than any intelligently planned and executed campaign. Many of the victories we have won were due less to mass militancy than to the laudable efforts of a handful of bold spirits of both "races."

One might with considerable accuracy describe the brethren in the North as freedmen rather than free men in their response to the stimulus of discrimination. It is disheartening to travel (or rather to skulk) from town to town and find colored folk almost as circumscribed as those in Dixie.

Literally thousands of hotels, theaters, tourist camps, restaurants, amusement parks, swimming pools, soda fountains and even some stores either completely bar or jim crow Negroes in hundreds of cities and towns in the "free" North. Yet most of us are apparently as satisfied as if there were no color bar. Even in states possessing civil rights laws, court cases are extremely rare and mass demonstrations indicative of mass resentment are as frequently heard of as Trotskyist speeches in Moscow.

I commend to any objective observer the experience of coming out of the South to the North and being unable to obtain a meal, a hotel room or a theater ticket outside of the sharply demarcated black ghetto largely because Negroes in the particular locality have made no sustained fight against discrimination. They have, instead, been content to grumble "down by the big gate" like their brethren in Dixie and scurry past "forbidden" places peering wistfully through plate glass windows and wishing for a miracle.

Almost nowhere, save in two or three cities, have we developed an effective technique for attacking these onerous conditions. Mass demonstrations, picketing and group sit-down tactics have apparently occurred to very few. A curious commentary this on the alleged potency of the power of suggestion when other groups are everywhere using such methods. As a rule, places known to discriminate against or to segregate Negroes are sedulously avoided because "they don't want colored people there," because no colored citizen wants "to have any trouble," and because the local Negroes are unwilling to pay anybody to perform the "unpleasant" task of bucking the color bar.

Timid About Schools

With educational jim crowism and segregation slowly creeping up in more or less camouflaged form ("special courses adapted to colored children!"), mass protest against it is a rarity. In only one instance has a local group of Negroes refused to compromise with segregation by keeping children out of school, and in that instance they won. The usual extent of protest is a letter to the mayor or a timorous, apologetic delegation to the school board, and then nothing more until James Crow is securely parked on the collective shoulders.

Such open antagonism as there is to the encroachments of educational discrimination is frequently weakened by the raucity of a little clique of Negroes gunning for teachers' jobs for their daughters at the expense of the group as a whole. Some Negro principals of northern jim crow schools have actually endeared themselves to the Ku Klux element by singing the praises of segregation as "a way out," an incentive to "group development," ignoring, of course, such notorious examples as Mississippi and Georgia. Another element of colored folk keeps up a more or less under-cover campaign for tax-supported jim crow hospitals, playgrounds, swimming pools and community centers, this "race statesmanship" being chiefly designed to snare fat jobs for a half dozen favorities at the expense of everybody else.

One wearies of having to reply to the queries of interested white folk as to "what Negroes are doing about it" with the information that 13,000,000 colored folk contribute less than $100,000 annually for the defense of their citizenship rights, and have to be harried by a score of drives and campaigns before they will give even that much. At the same time $100,000,000 annually is spent getting ready to die. Thousands nightly crowd into fetid halls to "truck" or to be whipped into "religious" frenzy by the antics and amphigories of evangelical exhibitionists where it is impossible to get ten to expend similar energy fighting against their pariah status. Aframericans actually contribute more money annually for the support of foreign missions to "save" their cousins abroad than they do to save themselves at home. For every colored member of the N.A.A.C.P. there are about six colored automobile owners and perhaps twenty radio owners. Although Negroes are lynched with monotonous regularity, it was impossible to get the entire group to contribute as little as $2,000 to support the last anti-lynching bill campaign. While 50,000 colored teachers and millions of parents stand to gain by the Association's current educational equality campaign, not enough financial support has come from them to pay the cost of preparing the legal briefs.

Thus the unsentimental behaviorist judging us by our response to such environmental stimuli cannot hesitate to conclude that, in the main, we do not really want to be free.

LETTERS ON CULTS

The article of the Rev. Miles Mark Fisher in the January CRISIS, entitled "Organized Religion and the Cults" created a great deal of discussion. THE CRISIS is always happy to receive letters of comment on the contents of the magazine and it has been our rule for many years to limit these letters to approximately 300 words. However, the comments on Mr. Fisher's article were so extended, with two of them running very close to 1,000 words each, that we found it impossible to get them in the April issue, the contents of which had been scheduled some months in advance. Accordingly, we are carrying letters from Bishop H. Z. Plummer and Mr. E. Braxton as well as a portion of the letter of reply from Mr. Fisher in the May issue of THE CRISIS.

Through the 1937 Flood Area

By Roy Wilkins

THE small sedan nosed its way across the bridge to West Memphis, Ark. It was late dusk but there was still a dull gleam on the muddy water, a faint gray-brown reflection of the last rays of the sun.

"There she is," my host said, mixing his genders, "Old Man River, himself."

Yes, there she was. There he was. Old Man River, now, at Memphis, but up above through the valley, it had been the raging, grinding, implacable Ohio. Out there below me the strong current was still discernible. Deep, powerful movement was visible. But not the mad dash of the flood stage. Not the tearing torrent of two weeks ago.

Here it was getting on down to the gulf. The gauge, high up on the bluff read: 39¼F, meaning thirty-nine and a quarter feet and falling. Here it was only a brooding giant, flexing its muscles, sulking still, and threatening a little.

But back up the valley it had been different. My taxi driver in Cincinnati had shown me where the boats had landed people here and there. Now there were trains, but then there had been none. The Union terminal plaza a lake. Yonder a water line on that house. Down that street, dry now and full of business, four feet of water.

And proud Louisville! High and low, black and white, mansion and shack—all had been helpless before the angry waters—those same waters mingled now under the bridge beneath my automobile, surging and sullen, but held in check and sent on their way by the great levee system.

"Yes," I replied to my host, bringing my mind back from the valley cities, "'Old Man River.' We don't know, up in New York, what that song really means: "River Stay 'Way From My Door." Pretty significant to the people around here, I guess."

He said nothing. He did not have to. At the high stage the water had been within two feet of the roadway of the low part of the bridge. There was a barn crushed against the stone pillar of the Frisco railroad bridge. Far away across the backwater, which still lay in front of the big St. Francis levee, stretched the sandbagged tracks of the Rock Island line. Looming ahead of us on the concrete was a sign: Road closed by flood water. An old story to Memphis residents, but new to me.

As we turned about and ran back to Memphis, along Riverside drive where tomorrow I was to see by daylight the high water marks on the sodded banks in the park along Front street, I contrasted this Memphis with the Louisville I had left the day before. (Later both Louisville and Memphis were to seem like Paradise compared to Paducah.)

The Color Line Fades

I had heard that race prejudice had taken a vacation in Louisville during the flood disaster, but such tales are hard to believe. The white natives are seldom to be trusted in their estimates of such matters; and the Negro residents are so conditioned to ill-treatment that their judgment is not always accurate.

But I found, to my amazement, that except for some few minor incidents likely to occur in any community, the city had waved aside any double standard of rescue and relief based on color. Negroes and whites were rescued, housed, clothed, fed, given medical attention, and transferred to other communities without discrimination. The Urban League was one of the telephone stations of the army units, being in direct communication with military headquarters. It organized a corps of workers to register refugees and issue food cards; and colored workers, including school teachers and students from the Louisville Municipal College for Negroes, attended to the needs of white and colored refugees alike.

A young refugee at Paducah, Ky.

It seems a little thing (and it is little, except in the Dixie white mind), this business of intelligent, competent, courteous Negroes rendering skilled and semi-skilled "white collar" service to disaster-stricken whites as well as Negroes. The average person who has had everything swept away and who stands before a desk with nothing except the clothes on his back, is not very particular about the color of the man or woman who sits there ready and able to minister to his needs. The inexorable Ohio river taught Louisville that humanity is humanity and that what counts is the stuff inside, not the label on the outside.

Doctors and nurses, black and white, worked day and night. Long lines of white and colored people, mixed up together, shuffled in and out of clothing, bedding and food stations. They got what they needed out of the huge stores available. There was no pile of good new clothing and bedding for whites and old clothes and bedding for Negroes—like there was in Memphis.

At the height of the flood there was a hitch in the housing of Negro refugees in Louisville, but after an appeal by Mayor Miller (which sounded bad over the radio, but which was sincere and well-meant) the difficulty was soon straightened out. White residents in the exclusive, aristocratic sections of the city opened their homes to colored people. They fed them and housed them until the Red Cross could provide for them or until the refugees could return to their homes.

I rode down Louisville's Broadway, which, a few weeks before, had looked like a Venetian canal. Up and down the streets, in Negro and white residential areas, the scars of the waters were everywhere to be seen. Black,

All photos by the writer

Top left, tent camp erected at Paducah for those persons whose homes were destroyed. Lower left, the flood-damaged colored drug store in Paducah. The water was up to the Coca Cola sign. Above, part of the long line of refugees housed on the campus of West Kentucky Industrial College at Paducah waiting for dinner

oily water lines halfway up on some houses, up under the eaves of cottages. Dozens of pianos out on the lawns falling apart. Stacks of hardwood flooring. Piles of what had been over-stuffed furniture. Gas ranges. Bedsteads. Mute evidence of the awful ravages of the river.

And yet, the city was bounding back to normal with the amazing speed which seems a part of America. The downtown district was humming with activity. The people were cheerful, with the Negroes, as usual, the most cheerful of all. There was a sort of quiet philosophy about. They were all ready to start over and determined to do better. People staying with friends and relatives talked easily and naturally of when they would be back in their own homes. Skilled artisans and small contractors and even ordinary laborers were scurrying about from one rehabilitation job to another. I met one colored carpenter who had just put in a bid to repair a white church. Louisville was beating back—fast.

Red Cross Practically Lily White

The American Red Cross had the job of rehabilitation well under way. Trained social workers were being brought in to supplement local workers. A few local colored workers were being employed, but none imported. Miss Helen Colwell, case supervisor for the Red Cross, said she could easily use ten trained Negro case workers, but they were not available and it was against the policy of the Red Cross to import them.

Of all the things I found on this trip, the employment policy of the Red Cross was the most irritating. In the administration of relief the Red Cross did everything within its power to see that there was no discrimination. In this it was successful, except in petty cases with minor prejudiced officials, but in a great disaster every little detail cannot be watched every moment, so the Red Cross deserves credit for a minimum of color line friction.

But when the critical period of readjustment and rehabilitation came, the Red Cross fell back on an almost lily white policy. It is in this period that families have to be interviewed, histories established, understanding built up, and needs met adequately. In this phase, trained Negro case workers could do a magnificent job. This does not say that all white case workers are prejudiced or incapable of understanding Negroes, or that any Negro case worker is better than a white one in the same circumstances. But it is reasonable to believe that the needs of more Negro families would be better interpreted by colored case workers than would be well handled by whites.

The Red Cross is afraid of the white South, but it need not be *so* afraid. There are plenty of sensible, fair white people in the South and the Red Cross ought to listen to a few of them and take a gamble now and then. In Mississippi, no, but in Louisville, yes.

The Red Cross officials with whom I talked, including regional directors, medical directors and others, insisted that the Red Cross was a relief organization and its function was not to change prejudices or make over community customs and traditions. It is not organized to solve the race problem. They are correct, but it does seem that the Red Cross ought always to be seeking ways to improve the administration of relief and rehabilitation. One improvement would be the infiltration of trained Negro workers wherever possible into the Red Cross personnel and reserve.

The South is still pretty bad on the Negro question, but the day is long past when it can be said sweepingly that "the South" will not stand for this or that. Dixie is not as bad as it used to be and there are minorities here and there willing and even eager to do as well by the dark brother as does Boston, Mass.

"Negroes Can Live Cheaper"

It was in Memphis, on the matter of employment and differentials in pay that I had the most refreshing experience of my trip. For I met there a naive and wholly unreconstructed southern woman, an assistant to the chief of Red Cross nurses. She did not ask me to sit down, nor did she ask me my name and the nature of my business. She talked always as she would to a client, or a child patient under her care. I was some colored man who thought I had a question to ask (but didn't, really) who thought I had a point to make, and with whom she must be patient, coolly polite, a little indulgent (they are like children, you know) and as brief as possible. I asked if it was true that white registered nurses were paid more than Negro registered nurses.

"Why, of course," she said instantly, in a broad southern drawl. "They can live cheaper than white nurses!"

There seemed nothing wrong with that argument to her. She meant it and believed it. She went on to explain that there had been a mix-up in Nashville—a "mistake"—whereby someone had started paying Negro nurses the same scale. I said we had had complaints from Memphis about the lower scale.

"But," she said, amazed, "they are satisfied here. *We* haven't had any complaints. The complaints must have come from Nashville. Are you sure you have come to the right town?"

(Why don't you colored people get things straight? Don't you know the difference between Nashville and Memphis?)

I explained gently that I would not have come all the way from New York to Memphis if we had received complaints from Nashville.

She looked up, then, with just a flicker of a new estimation in her eye, and said:

"Well, I don't suppose you would, but we all make mistakes."

There was some talk that white and colored doctors did not receive the same pay for work done in the Memphis refugee stations and hospitals, but Dr. M. S. Lombard, genial, suave chief of doctors, would not be pinned down. He offered cigarettes, waved his hand at charts, drew out daily reports showing the number of cases treated and where and by whom. He called in a secretary and dictated a statement for the newspapers "correcting any impression that any more than a very few doctors had been paid."

But I am confident there was a wide difference in the pay of those white and colored doctors who were paid.

Forced Levee Labor

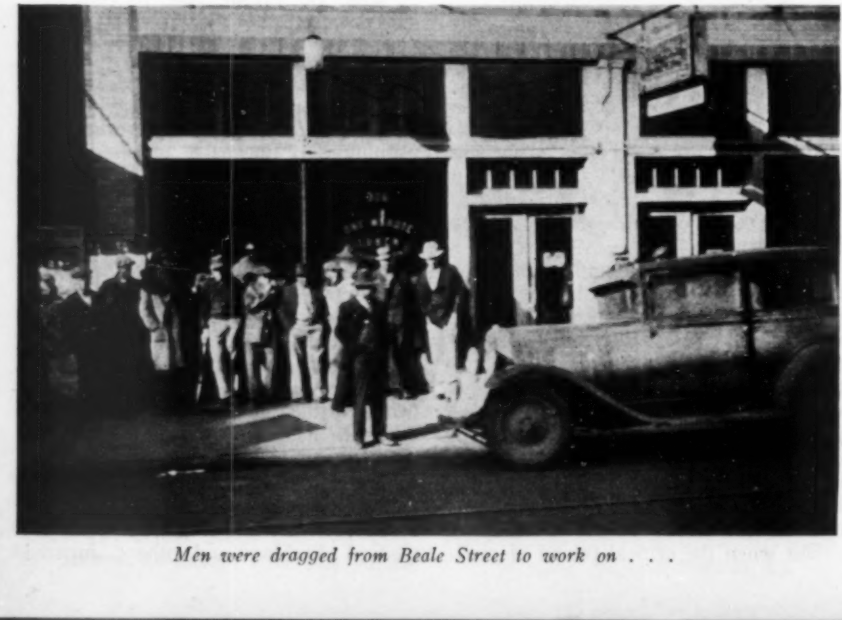
It was Memphis (Memphis just has to be near the bottom in practically everything affecting the two races) that forced Negroes to work on reinforcing the levees near the town when there were reports that the swollen waters might break them. I do not mean the convict labor used by Shelby county authorities. I mean that Memphis city officials and the Memphis police dragged Negro men off of Beale avenue (they should have let the name remain Beale *street*) with threats and intimidation and made them work day and night in the mud and rain carrying sandbags to save the threatened industrial plants in South Memphis.

The WPA paid the men 27 cents an hour, taking away some of the sting, but not all. Squad cars of police followed by trucks came down Beale avenue, snatching men right and left, accepting no excuses. Any black man who happened to be walking along the street was taken. Police stood at the doors of moving picture theatres and as fast as men came out they were seized, separated from their wives and girl friends, thrown into trucks and hustled to the levee behind a motorcycle escort. A well-known Beale avenue lunch counter, the "One Minute Lunch" was literally cleaned out by the police.

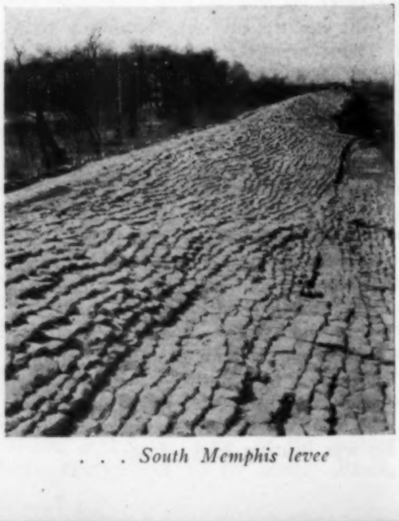
Some couples, hearing of the shanghaiing, refused to leave movie theatres and stayed in them all night. Men were forced to work in their good clothes, ruining suits, shoes, shirts and overcoats. Many had no work gloves. All took chances on death from pneumonia.

One cynical colored man admitted

(*Continued on page* 124)



Men were dragged from Beale Street to work on . . .



. . . South Memphis levee

Justice Harlan on Human Rights

By Benjamin Franklin Klein

JOHN MARSHALL HARLAN was for thirty-four years an Associate Justice of the Supreme Court of the United States. He has been dead just twenty-five years now, and forgotten for nearly that long by all good hundred per cent Americans. His was the single bitter voice that protested against the emasculation of the Constitution of the United States by the supreme court when it declared the bill of rights had no application to actions instituted in state courts; when it approved jimcrowism; when it gave legal encouragement to the policy of imperialism of the government of the United States, and the "white man's burden;" when it took such an ambiguous stand upon peonage laws in the southern states that it was partly responsible for the perpetuation of such slavery today in that area. Justice Harlan's only fault, in the eyes of the hundred per centers and Liberty Leaguers of his day, was that he believed implicitly and completely in democratic institutions. He dealt honestly himself, and believed that the courts could deal justly and impartially with employer and employee, black man and white man. He was unique in his attitude and in his innocence.

It was his vigorous and earnest voice taking issue with decisions of the supreme court depriving those individuals over whom it assumed jurisdiction of civil liberties guaranteed them by the Constitution of the United States, that earned him the name of "The Great Dissenter," and caused sympathetic bourgeoisie critics to excuse these of his dissents as merely expressions of "bad law" impelled by his zealous attempt to do justice.

Let us ascertain his position on questions that today have become more potent and remain as real, in the field of civil liberties, and decide whether the "bad law" set down in his minority views would not have been the only just conclusions the supreme court could have reached had it been interested in meting out justice rather than subordinating the rights of human beings to those of property.

I
Imperialism

Today, with the pure conquest of Ethiopia by Italy almost precipitating a new world war; with martial law following assassinations in our own colony of Puerto Rico, and her citizenry demanding freedom from domination by the United States, the problem of imperialism is indeed a potent one.

The United States Supreme Court is the one topic of conversation today all over the country. The discussion is of absorbing interest and the decision of vital importance to Negro Americans. At such a time a review of the opinions of the late Justice Harlan upon civil liberties cases, many of which involved the citizenship rights of Negroes, is timely

Justice Harlan adhering strictly to the constitutional theory of the separation of powers, realized it was not his province to condone or condemn the imperialist policies of the United States. He did, however, protest most vehemently at the discrimination directed against the inhabitants of the territories after they were "conquered or otherwise acquired" by the United States. In all of the "Insular Cases" the supreme court upheld the absolute authority of congress to control the territories stating that unless the possession was incorporated into the United States by act of congress, its inhabitants were not entitled to the protection of the provisions of the Constitution.

In the case of Downes v. Bidwell[1] the supreme court held that after Spain ceded Puerto Rico to the United States the island was not a part of the United States within that provision of the Constitution which declares that "all duties, imposts and excises shall be uniform throughout the United States." The court reasoned conveniently: "If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation and modes of thought, the administration of justice, according to Anglo-Saxon principles may for a time be impossible; and the question at once arises whether large concessions ought not to be made for a time, that ultimately our own theories may be carried out and the blessings of a free government under the Constitution extended to them."

"Whether a particular race," answered Justice Harlan in his dissenting opinion, "will or will not assimilate with our people and whether they can or cannot with safety to our institutions be brought within the operation of the Constitution is a matter to be thought of when it is proposed to acquire their territory by treaty. . . . The Constitution is not to be obeyed or disobeyed as the circumstances of a particular crisis in our history may suggest the one or the other course to be pursued. . . . We cannot violate the Constitution in order to serve particular interests in our own or in foreign lands. . . ."

Again he says: "Monarchical and despotic governments unrestrained by written constitutions, may do with newly acquired territories what this government may not do consistently with our fundamental law. To say otherwise is to concede that congress may, by action taken outside the Constitution, engraft upon our republican institutions a colonial system such as exists under monarchical governments. The idea that this country may acquire territories anywhere upon the earth, by conquest or treaty, and hold them as mere colonies or provinces—the people inhabiting them to enjoy only such rights as congress chooses to accord them—is wholly inconsistent with the spirit and genius as well as with the words of the Constitution."

In Hawaii v. Mankichi[2] the court held that after the annexation of Hawaii and before the passage of the act of congress providing a government for that territory, a conviction for manslaughter upon an indictment not found by a grand jury and by the verdict of nine only out of twelve jurors in accordance with the laws of Hawaii in force at the time of annexation, was legal. Justice Harlan dissented. He said: "Should the principles now established, become firmly established, the time may not be far distant when under the exactions of trade and commerce, and to gratify an ambition to become the greatest political power in all the earth, the United States will acquire territories in every direction which are inhabited by human beings, over which territories to be called 'dominions' we will exercise absolute dominion, and whose inhabitants will be regarded as 'subjects' to be controlled by congress as it may see

(*Continued on next page*)

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[1] 182 U. S. 245. Although Downes v. Bidwell does not deal with civil rights it does discuss them at length and forms the basis for the decisions in the other Insular Cases.

[2] 190 U. S. 221.

fit not as the Constitution requires nor as the people governed may wish."

Again in reference to a similar question which arose this time in the Philippines,[3] Justice Harlan dissented. The court held that congress had not yet incorporated the Philippines into the United States and therefore had the right to govern it "subject only to such constitutional restrictions upon its powers as are applicable to the situation."

After pointing out the decision of the court in Thompson v. Utah[4] which held applicable to that territory these same provisions of the Constitution, Justice Harlan declared: "I regard the judgment of the court as an amendment of the Constitution by judicial construction. The Constitution declares that it 'shall be the supreme law of the land.' But the act in effect adjudges that the Philippine Islands are not part of the 'land.' The Constitution without excepting from its provisions any persons over whom the United States may exercise jurisdiction, declares expressly that "the trial of all crimes except in cases of impeachment, shall be by jury.' It is now adjudged that that provision is not fundamental in respect of a part of the people over whom the United States may exercise full legislative judicial and executive power. Indeed, it is adjudged in effect that the above clause, in its application to this case, is to be construed as if it read: "The trial of all crimes, except in cases of impeachment, *and except where Filipinos are concerned shall be by jury.*"

The case of Rassmussen v. United States[5] concerned a trial by jury of six in Alaska. Since Alaska was incorporated into the United States by Act of Congress the court found the Alaskan statute which authorized the trial by a jury of six violated the Constitution. Justice Harlan, however, in concurring with the decision of the court, reiterated his belief "that no tribunal or person can exercise authority involving life or liberty in any territory of the United States, organized or unorganized except in harmony with the Constitution."

II

Expediency

As late as 1936 Justice Stone with great sincerity and with earnest insistence declared "the courts are concerned only with the power to enact statutes not with their wisdom."[1] He was attacking the opinion of the majority invalidating the AAA by expounding an elementary principle of law which the court has evidently not yet mastered.

In 1905 the Lochner case was decided[2] dealing with the constitutionality of an act passed by the New York legislature providing that no employees shall be required or permitted to work in bakeries more than ten hours a day. The court held the act not to be a legitimate exercise of the police power of the state, but "an unreasonable, unnecessary, and arbitrary interference with the right and liberty of the individual to contract, in relation to labor," and as such it was "in conflict with and void under the federal Constitution."

Over thirty years later the supreme court rejected the New York minimum wage law for women in almost the same terms. And what Justice Harlan said in his dissenting opinion in the Lochner Case would have been equally appropriate as applied to the minimum wage case. "It is plain," he said, "that this statute was enacted in order to protect the physical well-being of those who work in bakeries and confectioneries. It may be that the statute had its origin, in part, in the belief that employers and employees in such establishments were not on an equal footing, and that the necessities of the latter compelled them to submit to such exactions as unduly taxed their strength. Be this as it may, the statute must be taken as expressing the belief of the people of New York that as a general rule, and in the case of the average man, labor in excess of sixty hours during a week in such establishments may endanger the health of those who thus labor. Whether or not this be wise legislation is not the province of the court to inquire. Under our systems of government the courts are not concerned with the wisdom or policy of legislation. So that in determining the question of power to interfere with liberty of contract, the court may inquire whether the means devised by the state are germane to an end which may be lawfully accomplished and have a real or substantial relation to the protection of health as involved in the daily work of persons, male or female, engaged in bakery and confectionery establishments."

The supreme court decided the case of Hall v. DeCuir[3] one month before Justice Harlan took his seat on that tribunal. It held a state statute of Louisiana void which forbade the separation of the white and black races on steamboats as being a burden placed by a state upon interstate commerce. Chief Justice Waite stated in the opinion of the court: "No carrier of passengers can conduct his business with satisfaction to himself, or comfort to those employing him, if on one side of the state line his passengers, both white and colored, must be permitted to occupy the same cabin, and on the other be kept separate."

However, in 1890, after the reconstruction government had passed, the court was called upon to construe a Mississippi statute requiring the separation of the races on all railroad trains carrying passengers in the state.[4] This time the court upheld the statute as applying solely to commerce within the state, and attempted to distinguish the Hall Case. Justice Harlan, in a short, vigorous dissent, said: "It is difficult to understand how a state enactment requiring the separation of the white and black races on interstate carriers of passengers, is a regulation of commerce among the states, while a similar enactment forbidding such separation is not a regulation of that character."

Plessy v. Ferguson[5] called for a direct interpretation of the Thirteenth and Fourteenth amendments concerning the separation of the races in conveyances within the state. The argument that the court raised in its decision that social equality cannot exist in this country between the white and the black races "is scarcely worthy of consideration," said Justice Harlan in a withering dissent, "for social equality no more exists between two races when travelling in a passenger coach or a public highway than when members of the same races sit by each other in a street car, or in the jury box, or stand or sit with each other in a political assembly, or when they use in common the streets of a city or town, or when they are in the same room for the purpose of having their names placed upon the registry of voters, or when they approach the ballot box in order to exercise the high privilege of voting."

III

The Spirit of the Law

It has been often observed that Justice Harlan was a too-liberal follower of the word of the law. Nothing could be more absurd. As evidence of the fact that Justice Harlan took great pains to observe always the "spirit of the law" rather than to evade or obscure the issues by confining himself to an interpretation of the "soulless letter of the law," we cite the case of Bailey v. Alabama.[1]

Bailey was held under an Alabama statute of 1907 which made it an offense punishable like larceny to enter into a contract in writing for services with intent to injure or defraud the employer, and after obtaining money or personal property from such employer with such intent and without just cause to refuse to perform the services. The statute made the refusal or failure to perform prima facie evidence of the intent; and made the penalty a fine in double the damages suffered, one-half to go to the party injured. The act was obviously passed at the instance of the great land owners who were thus enabled to compel men to labor on farms and plantations under the threat of imprisonment, by advancing them small sums of money.[2]

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[3] 195 U. S. 138, 155
[4] 170 U. S. 343
[5] 197 U. S. 516
[1] United States v. Butler 297 U. S.

[2] Lochner v. New York 198 U. S. 45
[3] 95 U. S. 485

[4] Louisville, New Orleans and Texas R. R. Co. v. Miss. 133 U. S.
[5] 163 U. S. 537
[1] 211 U. S. 452

On April 8, 1908, Bailey issued out a writ of habeas corpus in the courts of Alabama contending that such a statute was unconstitutional under the Thirteenth amendment which abolished all peonage in the United States. On December 24, 1908, the supreme court speaking through Justice Holmes denied the writ on the grounds that Bailey had taken a "short cut" instead of waiting for his trial and demurring to the indictment.[3]

Justice Harlan, in his dissent, replied that "the supreme court of Alabama by its final order, overruled the objections which the accused urged on constitutional grounds, against the statute and refused to direct his release from custody. . . . The court affirms this judgment on the grounds that he took a 'short cut' when seeking upon habeas corpus to be discharged from custody in advance of trial. If he had sought a discharge on a writ of habeas corpus sued out from a circuit court of the United States, that might have been deemed a short cut. . . . As the state court by its final order held that the detention of the accused by the state authorities was not inconsistent with any privilege secured by the Constitution or laws of the United States he was entitled of right, to bring the case here upon writ of error and have this court determine the question, distinctly raised whether the statute of Alabama as applied to his case, did not infringe privileges belonging to him under the Constitution and laws of the United States."

The court having called the habeas corpus proceeding a short cut, Bailey, the defendant, was obliged to go back and take the long and expensive way around arriving again at the portals of the supreme tribunal just a little over two years later,[4] where the court, now of the opinion he had taken a sufficiently long route, declared the statute unconstitutional.

In the case of Hodges v. United States[5] the supreme court held that United States courts had "no jurisdiction under the Thirteenth amendment of a charge of conspiracy made and carried out in a state to prevent citizens of African descent, because of their race and color, from making or carrying out contracts and agreements to labor." Justice Harlan with his blunt directness stated the purport of the opinion,—"The court adjudges that congress cannot make it an offense against the United States for individuals to combine or conspire to prevent, even by force, citizens of African descent, solely because of their race, from earning a living."

After arguing that Clyatt v. U.S.[6] was decisive of the present case, Justice Harlan denounced the decision in bitter terms. "These general principles (freedom of contract), it is to be regretted, are now modified so as to deny to millions of citizen laborers of African descent, deriving their freedom from the nation, the right to appeal for national protection against lawless combinations of individuals who seek by force, and solely because of the race of such laborers, to deprive them of the freedom established by the Constitution of the United States, so far as that freedom involves the right of such citizens, without discrimination against them because of their race to earn a living in all lawful ways, and to dispose of their labor by contract."

IV

The principles stated in the first ten amendments were to him sacred elements of liberty, and he naturally opposed any decision that gave to the states a constitutional right to abridge those principles.[1]

The case of Maxwell v. Dow[2] held that the trial of a person accused as a criminal by a jury of eight instead of twelve persons, as regulated by a state statute and his subsequent imprisonment after conviction do not abridge his privileges and immunities under the Constitution as a citizen of the United States, and do not deprive him of his liberty without due process of law. The court decided that "the privileges and immunities of citizens of the United States do not necessarily include all the rights protected by the first eight amendments to the federal Constitution against the powers of the federal government."

Justice Harlan dissented vigorously from this holding. He said: "The right to be tried when charged with crime by a jury of twelve persons is placed by the Constitution upon the same basis as the other rights specified in the first ten amendments. And while those amendments originally limited only the powers of the national government in respect of the privileges and immunities specified therein, since the adoption of the Fourteenth amendment, those privileges and immunities are, in my opinion, also guarded against infringement by the states."

Again in the case Twining v. New Jersey[3] Justice Harlan dissented from the decision of the court holding that "exemption from compulsory self-incrimination in the state courts is not secured by any part of the federal Constitution." With more sincerity than Hearst and the Liberty League in their objection to the right of the Black Committee to investigate Hearst correspondence, Justice Harlan called the exemption from self-incrimination a privilege of "priceless character, one thoroughly expressed in the supreme law of the land, one thoroughly interwoven with the history of Anglo-American liberty. . . ."He held that the Fifth amendment expressly prohibited an unwilling witness from testifying against himself, and that the Fourteenth amendment forbade a state from interfering with such right.

V

The Warning Voice Against Fascism

Today in the United States the men-

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[2] For the grave and incredible results of such statutory enactments sanctioning peonage see U. S. v. Reynolds 235 U. S. 133, wherein one, Rivers, upon being convicted of petit larceny in an Alabama court was fined $15 and costs of $43.75. He confessed judgment, as the law allowed and was released upon the payment of such sums by a surety with whom he contracted to work 9 months and 24 days to pay such amount. He quit after working one month, was rearrested and fined one cent and $83.05 costs. He again confessed judgment and was released upon the payment of such sum by another surety with whom he contracted to work for 14 months and 15 days to pay such second fine. The maximum penalty he might have received under the original charge of petit larceny was 68 days.

The outcome of the Reynolds case caused the Alabama legislature to merely split up the statute in question in that case, into two sections, one allowing for a confession of judgment, and the other permitting imprisonment for failure to labor. See Thomas v. Alabama, 13 Ala. App.

[3] Said Justice Holmes: "All that appears from the record with regard to the foundation of the case against him is that the plaintiff in error is held on a charge of obtaining money on a written contract with intent to defraud. There is no doubt that such conduct may be made a crime. It may be questioned whether we ought to assume that the proceeding is under the statute, although it is admitted on all hands. . . ."

[4] 219 United States 219 (Bailey v. Alabama).

[5] 203 U.S. 1

[6] 197 U.S. 204

[1] The Constitutional Doctrines of Justice Harlan, F. B. Clarke

[2] 176 U.S. 581

[3] 211 U.S. 78

(*Continued on page* 114)

King of Swing

By John Hammond

Anyone familiar with such matters knows that Benny Goodman is generally considered to have the great "swing" orchestra of the day. Here is a story of his rise and of the two colored stars in his aggregation

LESS than three years ago Benny Goodman was one of the countless musicians who play on the various radio commercial programs in New York. Although he had once been able to amass large sums each week for his work, he found himself in the Spring of 1934 with a mild reputation among musicians by virtue of his phonograph records and a steady income of forty dollars a week from one lone radio program.

For the average musician nowadays forty dollars every payday is not to be sniffed at, but for Benny, who once had earned three hundred a week and had a family of twelve to support (brothers and sisters, not children), it was less than a pittance. In desperation he decided to form a band and see if he could not capitalize on his small reputation as an ace clarinetist.

At the outset Benny wanted a band that would sound like his favorite of all, the original group of Fletcher Henderson. He assembled the orthodox instrumentation of the big colored band: five brass, four reeds, and four rhythm, and bought special arrangements from two excellent Negro orchestrators, Benny Carter and Edgar Sampson. He auditioned for the job at Billy Rose's Music Hall, got it, and worked for the summer losing at least fifty dollars a week himself.

The band was nothing to boast about in the summer of 1934. The rhythm section was chaotic (this was before the days of Krupa and Stacy), the reeds were frankly dead, and the brass varied from night to night with new men sitting in constantly. Benny was convinced that he would be happy only with a band the majority of whom were Negro.

As a result a great idea came into being. The *Melody Maker,* the leading British musical paper, decided to sponsor an all-star black and white band under the combined leadership of Benny Goodman and Benny Carter for a gala concert tour in England and the continent in the fall of 1934. They approached the booker and orchestra leader Jack Hylton, who appeared to be wildly enthusiastic. All arrangements were made for the trip, and the greatest musicians in the country agreed to join the band. Among the Negro contingent were Teddy Wilson, Leon "Choo" Berry, Roy Eldridge, Hilton Jefferson, and among the whites were Gene Krupa, Bunny Berigan, and Jack Teagarden. Hylton came to America, and after promising to book the band returned to England and forgot about the whole matter. This writer ventures to prophesy that if the band had gone to Europe it would have created such a sensation that Benny Goodman today would have a band composed mostly of Negroes, American prejudice notwithstanding.

Goodman was deeply disappointed at the collapse of the black and white band. His own fortunes were at the lowest ebb, for Billy Rose had lost his job at the Music Hall and his successor had decided to replace the band with a cheaper one. For nearly a month Benny attempted to peddle his group to every manager on Broadway, but no one seemed to be interested in a swing band at that time.

A Radio Program

In November of 1934, Benny's greatest piece of luck fell in his lap. The National Biscuit Company decided to stage a dance marathon on the radio for five hours every Saturday night and engaged Benny's band to supply the hot music. Not only would they pay the musicians an enormous fee; they agreed to pay Benny for eight arrangements each week. The news staggered Goodman, but he promptly went to work, hired excellent musicians like Gene Krupa and Toots Mondello, greatest of the white alto sax players, and decided to engage Fletcher Henderson as his chief arranger, somewhat to the horror of Broadway. The program lasted twenty-six weeks and proved a godsend not only to Benny but to Fletcher, who was scuffling because his band had deserted him for other orchestras. Although it was the first time that Henderson had ever concentrated on arranging, he turned out at least four gems each week, nearly all of them standard tunes instead of the ephemeral pop tunes of the day. The union of Henderson and Goodman was the making of both of them, for without Smack's arrangements Benny would probably not have made his great name, and without the confidence the arranging and acclaim gave him Fletcher would never have reassembled his orchestra and risen to new triumphs.

Realizing that playing only once a week on the air would never bring the best out of his band, Benny decided to tie up with the Music Corporation of America, the most potent band bookers

My sincere
regards
Jimmy Mun

JAMES MUNDY
He arranges Goodman tunes

TEDDY WILSON
. . . and he plays them

in the country, and attempt to play one-night stands in Eastern dance halls. In order to get his band swinging properly Benny would occasionally rehearse in Harlem's Savoy Ballroom, where there were plenty of critical and appreciative feet. The band played to wildly enthusiastic but appallingly small crowds on the road, and the managers were not encouraged. Towards the end of his radio commercial the band got its first steady job, playing for dinner only at the Roosevelt Hotel in New York. The manager detested the music, the head-waiters were horrified, and the patrons found that it ruined their digestion. The band was thrown out in short order, and MCA discovered that there was still a wide prejudice against loud, swing bands.

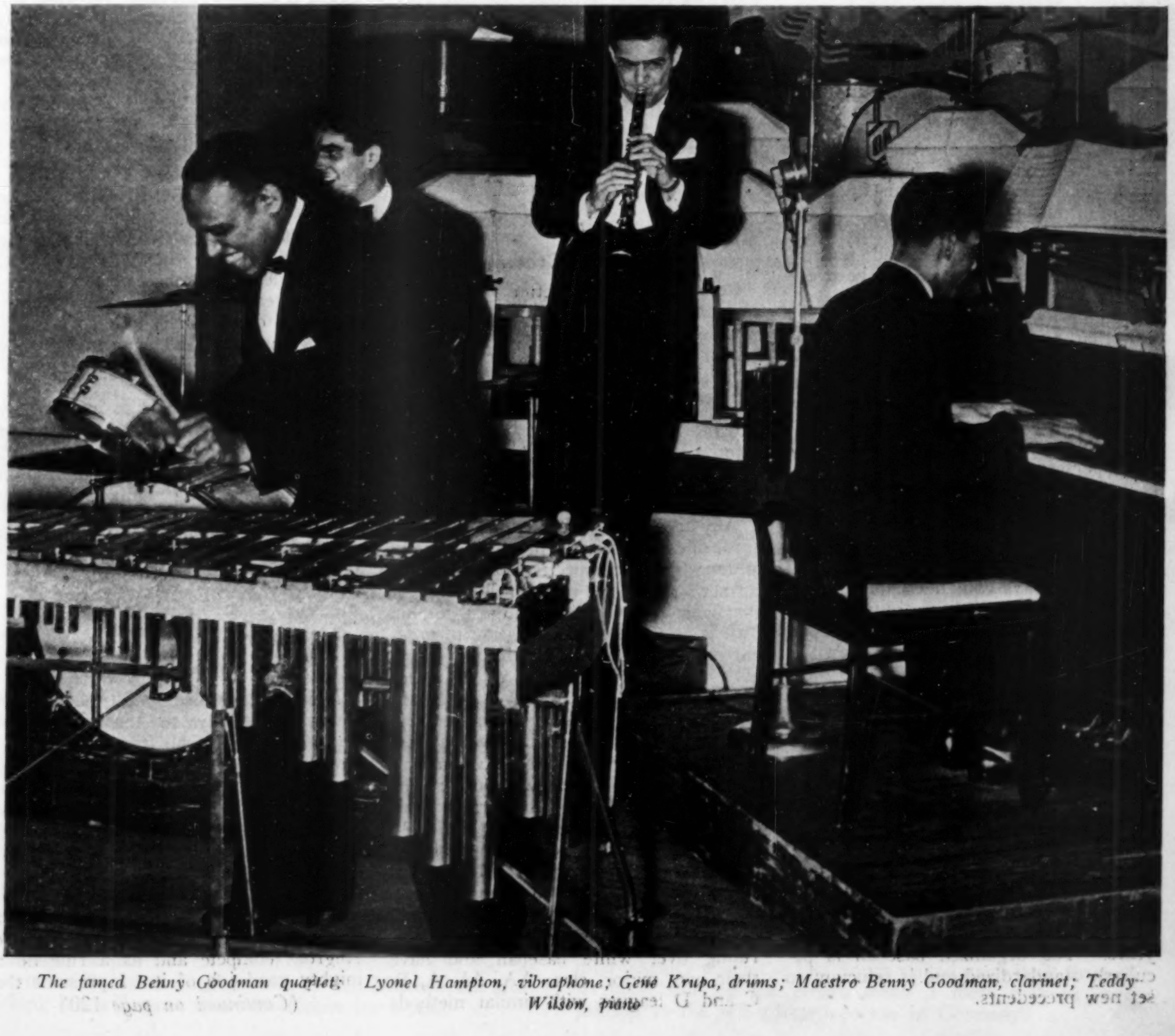
Following his flop at the Roosevelt the Goodman orchestra had further tough going. In their first theatre date, in Pittsburgh, the box-office registered a new low gross for the week; the band offended the sensibilities of the manager of Denver's Elitch's Gardens so much that he wanted to kick them out the first night of a scheduled two-week engagement. It was not until they hit California in the Summer of 1935 that they found appreciative audiences.

Goodman's own ideas about music were changing rapidly during this time. Instead of becoming worried about the public's reaction to his brand of music, he determined to stamp the musical world with the kind of music he liked best to play. He threw out of his books all the "commercial" stereotyped arrangements of popular songs and concentrated on the Henderson style of swing exclusively. The result was that even the people who hated the band did associate it with that vague term swing which was soon to create a vogue.

Teddy Wilson and the Trio

Before going to California, Benny took an important step by switching his phonograph record affiliations. Victor pushed Benny for all he was worth and eagerly experimented with a small combination, in which the brilliant Negro pianist Teddy Wilson was featured. To the company's astonishment the records of the Goodman Trio sold fully as well as those of the big band, a fact that made its impression on Benny's managers. But despite Benny's wishes he was dissuaded from using any Negro musicians with his band. His managers were certain that the public would never

(*Continued on page* 123)



The famed Benny Goodman quartet; Lyonel Hampton, vibraphone; Gene Krupa, drums; Maestro Benny Goodman, clarinet; Teddy Wilson, piano

Negro Players in Major League Baseball?

THESE are some of the answers from sports editors and columnists over the country. Many editors did not answer the questionnaire sent by THE CRISIS, but the answers printed below give, perhaps a cross section of opinion. In response to a letter of inquiry from THE CRISIS asking for their opinion upon the use of Negro baseball players in the major leagues, the sports editors of four southern daily papers and eight northern and far western papers sent in the following replies:

New York *Post*

I advocate free and unlimited participation in sports for all the youth of the land regardless of race or creed.

HUGH BRADLEY,
Sports Editor

St. Paul *Dispatch*
St. Paul *Pioneer Press*

If everyone felt about the Negro as I do there would be no question about lifting the ban which now exists against him in organized baseball.

Unfortunately, that is not the case. Prejudice is still widespread and it doesn't seem likely that it will be overcome for many years.

So long as this situation exists I believe that, for the Negro's own good, he should not seek to break down the bars against him in baseball. So many major league ball players are southerners that a Negro on a major league club would find himself constantly embarrassed and often persecuted.

GEORGE R. EDMOND,
Sports Editor

San Antonio *Express*

I have always contended there could be no absolute claim to any title in sports unless the competition were open to all races. A prize fighter's crown is no more than tin if he refuses to meet a logical colored contender. A competitive sport must be open.

I am not inclined at this time to make a definite statement on opening professional baseball to colored players, for I have not given the matter extended thought, nor have I studied any argument for or against the idea.

I see no more reason to ban the Negro from organized baseball than from college football, where colored players have earned merit for many years. Yet, organized baseball is peculiarly standardized and is reluctant to set new precedents.

I believe the idea is of sufficient importance as to warrant careful study by professional baseball executives in organized baseball.

WARD BURRIS,
Sports Editor

New York *Mirror*

If the A.A.U. took the stand against colored athletes that organized baseball does, the United States wouldn't have won the last Olympic Games and great athletes like Jesse Owens would have been born to rush unseen and waste their fleetness on the desert air. Boxing would now be dying of stagnation if it took baseball's attitude toward Joe Louis. The Tolans, Metcalfes, Owenses, Johnsons, Threadgills and Peacocks don't seem to have contaminated track and field athletics, and I suspect that baseball would not only survive, but would actually thrive if the bars now set up against colored athletes were let down.

DAN PARKER,
Sports Editor

Los Angeles *Examiner*

Referring to your letter of January 27, 1937, may I state that the Los Angeles *Examiner* does not see any reason why competent Negro athletes should not play on the professional baseball teams.

JOHN CONNOLLY,
Sports Editor

The Dallas *News*

Any true sportsman should, and I'm sure does appreciate prowess on the athletic field irrespective of the performer's race. My thought, however, is that what the Negro needs most, for his own good, instead of admission to present organized baseball, is the perfection of a similar organization of his own. As long as we have a North and a South with a Jim Crow law throughout the land below the Mason and Dixon line, it will be unfair to the Negro to admit him on a basis of equality to our present day baseball. Mixing of the races positively will not be accepted by the South. But, even in this section, there is no desire present to deprive the black man of his place in Sportdom's sun. I think the Negroes should perfect a national organization, patterned after that now ruling over white baseball and have their own major, class AA, A1, A, B, C and D leagues with similar methods for advancement now in force in the National Association of Professional Baseball Leagues. I'm sure such an organization would have the hearty endorsement of white fans North and South and its leagues could rest assured of their support.

GEORGE W. WHITE,
Sports Editor

New York *Herald-Tribune*

Regret to say that I do not feel qualified to comment on the subject of your letter to me.

I think you must know from my writings that I am rather broad in my views on any religious or racial question, believing there should be no discrimination. But this particular question you submit is one the big leagues must decide for themselves.

GEORGE DALEY,
Sports Editor

Detroit *Times*

Race, color or creed of major league baseball players is no concern of the writer, however newsworthy it may be to race publications, such as THE CRISIS.

Major league baseball players are selected, hired and fired by their employers. Our only task is to report truthfully, completely and interestingly the facts of and the quality of their entertainment.

It would be as much an impropriety for this department to insist that major league owners hire Negro ball players as it would be if we objected to fight promoters booking mixed boxing matches.

The Detroit *Times* does neither and is proud of its freedom from all prejudice.

BUD SHAVER,
Sports Editor

The Kansas City *Star*

I am without license to speak in an advisory capacity to the owners of major league baseball franchises. They have big money invested. They are big business men. I would not presume to advise them except in the business of keeping the game honest and presenting it to their public in the most entertaining way.

However, in regard to Negro athletes I hold major league baseball no better that the athletics of our colleges where Negroes compete and as a rule do a mighty good job of it. I presume the

(*Continued on page* 120)

Editorials

Anti-lynching Bill Endangered

AT first thought, the announcement that Congressman Hatton W. Sumners, of Texas, chairman of the House judiciary committee, has decided to hold hearings on anti-lynching legislation would seem to be what Congressman Arthur W. Mitchell joyfully declares it to be—"a signal victory."

Ordinarily when a congressman from Texas sends word that he, as chairman of a powerful committee, will hold hearings on legislation which is hated by most Texans, it would seem to be a victory. It seems all the more so when it is remembered that Chairman Sumners has announced from time to time, in the plainest language, that he never would permit a hearing to be held on an anti-lynching bill and would do all he could to block such legislation.

On second thought, however, a suspicion arises that the move of Mr. Sumners is calculated to block the bill rather than help it along. In the first place, Mr. Sumners has never announced directly that he would hold hearings. Congressman Mitchell has written to all and sundry telling them Mr. Sumners has promised him he will hold hearings.

In the second place, Congressman Mitchell's announcement about Mr. Sumner's change of heart came at almost the exact day on which Congressman Joseph A. Gavagan of New York placed a petition on the Speaker's desk which, if signed by 218 members, would make the anti-lynching bill a special order of business on the floor of the House, with debate limited and a vote mandatory.

All this, of course, may be a giant coincidence, fraught with nothing more than good will for the legislation. But it does look suspiciously as though Mr. Mitchell, the lone Negro in congress, wittingly or unwittingly had allowed himself to be used to help Mr. Sumners attempt to kill off the Gavagan petition, which is the speediest and most certain way of bringing the anti-lynching bill up for a vote.

For can anyone believe that Mr. Sumners really wants a federal anti-lynching bill? Can anyone believe that here, on the first of March, he has changed the views he expressed emphatically on January 25: "I will block anti-lynching legislation in this congress?"

In the desire for an anti-lynching bill, THE CRISIS believes Mr. Mitchell sincere. In a letter to the N.A.A.C.P., Mr. Mitchell says he does not share the association's fear that the holding of hearings on the bill will be manipulated by Chairman Sumners so as to delay indefinitely consideration of and vote upon the anti-lynching bill.

Mr. Mitchell, evidently, trusts Mr. Sumners. THE CRISIS does not. We think Mr. Sumners will do everything possible to block the bill. Just now, his move is to block the Gavagan petition. The best way to do that is to promise a hearing so that congressmen would not sign the Gavagan petition. If the petition fails to get the required signatures then the bill is back in Mr. Sumner's clutches and he can delay hearings as long as he chooses.

No matter how one studies the situation, the conclusion is inescapable that Mr. Mitchell is aiding Mr. Sumners to confuse congressmen who ordinarily would rush up to sign the Gavagan petition, thus delaying progress of the anti-lynching bill.

At the last minute before press time the number of signatures on the Gavagan petition was 181, leaving 37 to be secured in order to bring the bill out upon the floor. It looks as though, despite the efforts of Mr. Sumners and the inadvertent (?) assistance given him by Mr. Mitchell, the anti-lynching bill will come up in the House for a vote.

St. Louis and Harlem Hospitals

SOME persons in and out of New York, notably Dr. Alain Locke of Washington, in his article in the *Survey Graphic* for August, 1936, have been inclined to coddle the New York city administration in its feeble attempts to follow a few of the mandates laid down in the report of the Mayor's Commission on Harlem, appointed after the riot of March 19 and 20, 1935.

Dr. Locke accepts the excuse of the administration that it is doing all it can, and that most of Harlem's troubles can be laid at the doors of previous administrations. It is true, of course, that all Harlem's troubles did not start four years ago. But it is also true that what the present administration has done to correct the most glaring of the evils since it was apprised of them is nothing to go shouting about in the *Survey Graphic* or any other magazine.

The item about health and hospitals is a case in point. Dr. S. S. Goldwater, commissioner of hospitals, and others have made much of the fact that the bed capacity of Harlem hospital has been increased to 665. Harlem is a community containing 204,000 Negroes exclusive of the several thousands of whites residing there. These figures alone indicate the inadequacy of Harlem hospital, but when they are contrasted with the situation in St. Louis, Mo., the picture is even darker.

St. Louis dedicated during February a new municipal hospital for Negroes. It has a bed capacity of 685. The Negro population of St. Louis is 90,000. Now, Harlem does not want a segregated Negro hospital, but merely hospital facilities adequate for the population they are supposed to serve.

THE CRISIS admits that the present New York city administration is not responsible for all the ills of Harlem, but the administration has not acted with all the candor and celerity possible to attack the conditions revealed in the report. It is now two years since the riot, but for some reason, the report itself has never been made public in its final and official form. The city is withholding information that would be of value not only to city officials, but to citizens vitally interested in the Harlem community.

The report should be made public so action can be started. Only then can intelligent analyses be made and adequate correctives applied.

The Nazis Scream

THE pitiful prostration of a great nation has never been revealed so nakedly as has the condition of Nazi Germany upon the occasion of the recent protests of the Hitler government over remarks made by Mayor LaGuardia of New York, and others upon the Nazi regime and its leader, Adolf Hitler.

The shackled, "phonograph" press of Germany has screamed to high heaven, pouring out a shocking stream of filth, epithets and bitter vituperation upon all Americans, men and women, black, white, and foreign-born. Some of the German newspaper stories were judged too obscene for quotation in American papers.

As frightful as are the tortures and insults heaped upon the Jews by the Hitler government, they are as nothing compared to the damage the governing gang in Germany is doing to the nation itself. The bigotry, backwardness and mild insanity which the Old South visited upon itself through its blind spot on the Negro seems a mere rash in comparison to the self-injected poison in Germany.

Justice Harlan

(*Continued from page* 109)

ace of Fascism is a real and serious problem. It is a most appropriate time to take cognizance of the insistent efforts put forth by Justice Harlan during his nearly thirty-four years on the bench, to make the totalitarian state of a Hitler or a Mussolini impossible of achievement in the United States. Fascism, to attain success, calls for the division of the people into castes and classes, into superiors and inferiors.

The Civil Rights Cases[1] were decided not long after Justice Harlan ascended the bench. The court set forth in those cases the doctrine that the Thirteenth amendment was self-executing and the legislation of congress was not appropriate nor needed; that the denial of those privileges conferred upon all men by the Civil Rights Act was no indicia of a badge of servitude; that the Fourteenth amendment only prohibited state action of a particular character, and as the acts in question were directed against individual treatment of other individuals, the legislation was not constitutional.

Justice Harlan raised his voice in a dissent which Roscoe Conkling described[2] as "the noblest opinion in the history of our country, great in learning and understanding of our system of government and great in statesmanship."

"Today," said Justice Harlan, "it is the colored race which is denied . . . rights fundamental to their freedom and citizenship. At some future time, it may be that some other race will fall under the law of race discrimination. If the constitutional amendments are enforced according to the intent with which they were adopted, there cannot be, in this republic, any class of human being in practical subjection to another class, with power in the latter to dole out to the former just such privileges as they may choose to grant. The supreme law of the land has decreed that no authority shall be exercised in this country upon the basis of discrimination, in respect of civil rights, against freemen and citizens because of their race or previous condition of servitude."[3]

The case of Hurtado v. California[4] held that "a conviction upon an information for murder in the first degree and a sentence of death thereon are not illegal by virtue of that clause of the Fourteenth amendment to the Constitution which prohibits the states from depriving any person of life, liberty or property without due process of law."

Justice Harlan relied in his dissenting opinion, on the words "due process of law" which he contended were synonymous with the "law of the land," found in the Magna Charta and the Bill of Rights' and which embraced "those settled usages and modes of proceeding existing in the common and statute law of England before the immigration of our ancestors," and which they adopted in this country. Among these was the necessity of indictment by a grand jury.

Answering the statement of the court that "the Constitution was made for an undefined and expanding future," and that "its requirement of due process of law in proceedings involving life, liberty and property must be so interpreted as not to deny to the law the capacity of progress and improvement," Justice Harlan declared, "It is difficult to perceive anything in the system of prosecuting human beings for their lives by information, which suggests that the state which adopts it has entered upon an era of progress and improvement in the law of criminal procedure."

John Marshall Harlan

Born—Boyle County, Ky., June 1, 1833.

Elected—County Judge, Franklin County—at age of 25.

1861—Entered Union Army. Resigned upon death of father, refusing Brigadier-Generalship.

Attorney General of Kentucky in 1863.

Ran for Governor of Kentucky,—defeated.

1876—Leader of forces for nomination of General Bristow at Cincinnati Convention. Swung supporters to Hayes when Bristow's chances faded.

Hayes offered him Attorney Generalship of U. S.—declined.

1877—Appointed member of Louisiana Commission.

1877—Appointed to Supreme Court.

Member of Behring Sea Tribunal—1893.

Died—1911.

Wrote over 700 opinions of the Court.

Dissented and concurred in 200 others.

Opinions extend from 95 U. S. through 221 U. S.

Interpreted mainly: Interstate Commerce Legislation, and 14th amendment. (including Anti-Trust Act of 1890).

"He was a man of massive build, splendid physique, smooth shaven, very bald, and with a ruddy complexion which showed clean living and sturdy health. . . . Devoted to golf. . . . Intense admirer of Madison. . . . He was a fearless judge,—absolutely independent and determined to do the right as he saw it. . . ."

. . R. T. W. Duke in 17 Va. Law Reg.

Again he adds, "Still further, it results from the doctrines of the opinion—if I do not misapprehend its scope—that the clause of the Fourteenth amendment forbidding the deprivation of life or liberty without due process of law, would not be violated by a state regulation, dispensing with petit juries in criminal cases, and permitting a person charged with a crime involving life to be tried before a single judge, or even a justice of the peace, upon a rule to show cause why he should not be hanged."

And almost at the very end of the career of Justice Harlan the Berea College Case arose.[5] The supreme court held "that the statutory prohibition in Kentucky against persons and corporations maintaining schools for both white and colored persons was separable, and even if an unconstitutional restraint as to individuals, it was not unconstitutional as to corporations, it being within the power of the state to determine the powers conferred upon its corporations."

Justice Harlan in a prophetic dissent stated that "it was the teaching of pupils of the two races together, or in the same school no matter by whom or under whose authority which the legislature sought to prevent." The very title of the act,—"To prevent white and colored persons from attending the same school"—showed that, he asserted. Justice Harlan agreed that the general rule was that one part of a statute may be held void and another part, "distinctly separable and valid left in force." But he declared that rule did not hold in this case because the supreme court had flatly declared that "if one provision of a statute be invalid the whole act will fall, where it is evident the legislature would not have enacted one of them without the other."[6] [7]

Finally, Justice Harlan proclaimed: ". . . if the views of the highest courts

(*Continued on page* 122)

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[1] 109 U.S. 3

[2] 51 Am. Law. Rev.

[3] 109 U.S. 3

[4] 110 U.S. 516

[5] 211 U.S. 45

[6] Huntington v. Worthen.

[7] However, see Carter v. Carter Coal Co. 298 U.S. 238, where the court says, in holding unconstitutional the recent Guffey Act: "Finally, we are brought to the price-fixing provisions of the code. The necessity of considering the question of their constitutionality will depend upon whether they are separable from the labor provisions so that they can stand independently. . . . The determination in the end, is reached by applying the same test—namely, what was the intent of the lawmakers." From this it is to be seen that although the supreme court ran out of the baselines in 1908, it is now back in fair territory again.

From the Press of the Nation

Editorial of the Month

Industrial Unionism Marches On

Pittsburgh, Pa., *Courier*

INDUSTRIAL unionism, scoffed down for years, now sweeps the country, what with the automobile and steel manufacturers hopping on the bandwagon, and the electrical trust getting ready.

Hundreds of thousands of Negro workers in textiles, automobiles, steel, iron and coal are affected by the changed situation.

Craft unionism which fostered labor aristocracy and specialized too often in discrimination against colored workers, is being slowly but surely displaced by industrial unionism which so far fosters labor democracy and pledges itself not to discriminate against colored workers. It has the added advantage of being logical.

The history of the American Negro worker as a trade unionist is a proud saga. If more Negro workers are not today members of labor organizations, that is not a condition of their making, for they eagerly sought the protection of unionism from almost the moment of emancipation.

With the Knights of Labor the Negro unionists made an encouraging start. That organization, which advocated industrial unionism, was sincere in considering all workingmen brothers. But when it was displaced by the American Federation of Labor, a studied policy of shunting aside and discriminating against the Negro worker began. In general this policy has continued to date regardless of gestures and lip service to the ideal of working class solidarity.

The Committee for Industrial Organization, following in the footsteps of the Knights of Labor and the Industrial Workers of the World but far more ably led, bids fair to become the outstanding labor organization on the continent.

It is significant that all those unions affiliated with and supporting the C.I.O., are liberal groups that have made a studied policy of NO DISCRIMINATION against Negroes and show ample evidence of carrying out that policy in the future as in the past.

Of course it remains to be seen whether the newly formed industrial unions of automobile, steel and electrical workers are going to live up to the policy of fair play established by the United Mine Workers, the International Ladies' Garment Workers and other C.I.O. unions.

If so, Negro workers may very well rejoice in the recent momentous victories. Industrial unionism means organization of all workers in an industry in a single union, and there are close to a million Negro workers employed in manufacturing and mechanical pursuits, most of whom have never been organized.

Powerful southern newspapers are writing strong editorials against lynching. According to the American Institute of Public Opinion, 65 per cent of the people of the South favor a Federal anti-lynching act. Apparently a Federal anti-lynching bill will pass the present Congress.

Public sentiment against lynching has been created under the leadership of colored people, with the N.A.A.C.P. in the vanguard. That is a significant fact worth remembering.

But the end of lynching is not yet. Those opposed to it must not pull their punches. The fight must be vigorously and intelligently continued until the dastardly crime of mob murder is completely abolished.—Philadelphia, Pa., *Tribune.*

Senator William E. Borah, (Rep., Idaho), whose opposition to a Federal anti-lynching law has already made him a marked man by colored voters, breaks into the limelight again—this time with a proposal so to alter the Fourteenth Amendment as to make it impotent as far as safeguarding the rights of colored Americans is concerned.

The newest Borah proposal which should draw even more vigorous opposition than his anti-lynching views have drawn, would turn over to the states all social and economic problems now subject to the control of the federal government.

It would make it impossible for Federal courts to outlaw such highhanded acts as the Georgia statute under which Angelo Herndon was convicted and sentenced to twenty years imprisonment, and leave the states free to invoke their "police powers" under such law as they might enact.

Re-definition of the "due process" clause of the present amendment would leave the millions of colored Americans at the mercy of the several states and one does not have to have much imagination to picture what would happen in the South as a result. . .—Baltimore *Afro-American.*

Representative Mitchell has introduced a bill in Congress making it mandatory upon officials to appoint the high names certified to them by the Civil Service Commission. The present rule provides that an official may appoint any one of the names certified; and in many instances those making the highest mark have been passed over for unfair reasons: for instance simply because they happen to be Negroes.

While the civil service is designed to pick the most capable applicants experience has taught that the system has been manipulated in such a manner as to do many injustices. . .—Iowa *Bystander.*

Friday, March fifth was commemorated as the anniversary of the Boston massacre. A proclamation was issued by Governor Charles F. Hurley calling upon the people of the Commonwealth of Massachusetts to pay deference to the day. This commemoration means much to our people. It emphasizes the fact that the first martyr for American Independence was a colored man, Crispus Attucks. He with James Caldwell, Patrick Carr, Samuel Gray and Samuel Maverick were fired upon by British red coats. Attucks was the first to fall, a victim of the onslaught. . .—Savannah *Tribune.*

We tried our best to defeat Senator Borah in the last elections, but he got in. He is known as a violent opponent of federal anti-lynching legislation. Now he is showing his horns. Borah thinks that the Fourteenth Amendment to the Constitution is not good enough, apparently because it would safeguard the Negro if it were upheld. . .—Boston *Chronicle.*

Virginia's jail system came in for embarrassing national notoriety again recently when the third fire in one of its units in a few months cried out for action by the General Assembly. But the lawmakers will not act—in spite of the victims who passed on—unless public opinion makes itself clear in the matter. .

Under present conditions the Society for the Prevention of Cruelty to Animals is doing a more humane job towards their charges than the state government towards its citizens in jail. The animals are better off by a long shot. . .—Norfolk *Journal and Guide.*

Along the N.A.A.C.P. Battlefront

Gavagan Discharge Petition On Anti-Lynching Bill Is Signed by 181 Congressmen

Up to March 23, 181 congressmen had signed the Gavagan petition No. 5, which, when signed by 218 members of the House, will make the anti-lynching bill a special order of business and bring it to the floor of the House for limited debate and vote.

The 181 signatures were secured despite the confusion created by the announcement, through Congressman Arthur W. Mitchell, of Illinois, that Chairman Hatton W. Sumners, of Texas, of the House judiciary committee, had suddenly decided to hold hearings on anti-lynching legislation. Chairman Sumners has been adamant in his refusal to hold hearings and has announced from time to time that he would do everything possible to block the anti-lynching bill.

When the Gavagan petition was placed on the Speaker's desk and it was realized that speedy action would follow if the 218 signatures were secured, then Chairman Sumners announced his change of heart. The N.A.A.C.P. fears that Mr. Sumners is going to use the hearings to delay the bill, and that Mr. Mitchell has been used by opponents of the bill to confuse members of congress and prevent them from signing the Gavagan petition.

Every effort is being made to get the required number of signatures. If and when this is done, debate will be limited to three hours on each side and then a vote must be taken under the rules of the House.

Meanwhile the enactment of a federal anti-lynching law has been endorsed by an editorial in Miami, Fla. *Daily News*.

Detroit Preparing for Annual Conference

The Detroit, Mich., branch, of which L. C. Blount is president, already has preparations under way for the entertainment of the 28th annual conference June 29–July 4. A convention committee has been appointed and other subcommittees to take care of numerous activities in connection with the conference were to be appointed during March. At the March meeting of the executive committee reports were received on the sale of buttons and an outline of his plan for a membership campaign was given by Dr. J. J. McClendon. Mr. H. W. Sweet, Jr., reported on the progress of the civil rights bill in the state legislature.

MRS. FLORENCE SNOWDEN
Chairman, Baltimore seal sale, leads country with $300

Detroit is preparing for 1,000 delegates to the conference and early registrations from branches throughout the country, through the national office, are urged.

Button Sale Report

A report on the sale of the "Stop Lynching" buttons under the direction of Mrs. Daisy E. Lampkin, field secretary, will appear in the May issue. The sale was scheduled to end originally on February 12, but because of popular demand, was extended for several weeks and all the reports were not in when the April issue went to press.

Harrison-Black Bill Reported with Amendments

Just as this issue is going to press, word comes from Washington that the Harrison-Black Bill (S.419), which will appropriate federal funds to the states for education purposes, has been reported out of the Senate committee on labor and education with several amendments designed to safeguard in part the Negro schools in the states having separate schools by law. A copy of the amended bill was not available when this was written, but the amendments will be studied by the N.A.A.C.P. and the National Coordinating Committee, composed of twenty-six organizations interested in equitable distribution of federal funds for education, to determine what further action, if any, should be taken.

1936 Christmas Seal Sale Raises $3,359

. The sale of 1936 Christmas seals for the benefit of the N.A.A.C.P. raised a total sum to date of $3,359.77. Most of the branches of the association and many other groups, as well as numerous individuals, assisted in the nation-wide sale. The total for 1936 was the largest in the history of the association, being $1,200 more than the amount raised in the 1935 sale. The national campaign was under the direction of Miss Juanita E. Jackson of the national office staff.

The chairman raising the largest amount in the 1936 sale was Mrs. Florence Snowden of Baltimore, who secured $300. The second largest amount, $214.52, was raised by Mrs. Jennie Johnson and Mrs. Pauline Turner Davis of New York City. Among the Youth Councils, Miss Willya Lacy of Detroit, Mich., was the leader with $158.56. Other chairmen and the amounts raised:

$68.81, Mrs. Jennie H. Young, Detroit, Mich.; $61.63, Miss Mary E. Stewart, Tulsa, Okla.; $50.00, C. W. Boyd, Charleston, W. Va.; Mrs. Bessie S. Etherly, Louisville, Ky.; $46.07, Miss Hazel A. Augustine, St. Petersburg, Fla.; $40.05, Miss Lillian Lockett, New Orleans, La.; $40.00, G. H. Taylor, Shreveport, La.; $38.00, Mrs. D. A. Wissner, Oklahoma City, Okla.; $35.00, Miss Beatrice Worthy, Jersey City, N. J.; $34.03, Robert Armfield, Springfield, Mass.; $34.00, J. J. Green, Birmingham, Ala.; $31.85, Mrs. Ida Henderson, Atlanta, Ga.; $30.00, H. A. Green, Plaquemine, La.; $27.50, Mrs. Cassie Clack, Newark, N. J.; $27.00, Miss Justina Spencer, Roanoke, Va.; $26.00, Mrs. Raymond Jackson, Mercer County, Pa.; $25.28, Mrs. John H. Bronk, Albany, N. Y.; $25.00, Mrs. Mary C. Woody, Orange, N. J.; $23.50, Mrs. B. F. Cox, Nashville, Tenn.; $22.03, E. C. Richardson, Rockford, Ill.; $21.35, Mrs. Lillian Graves, New Rochelle, N. Y.; $21.05, Miss Marione L. Southerland, Durham, N. C.; $21.00, Dr. E. D. Collymore, White Plains, N. Y.; $20.00, Hosea Lindsay, Akron, Ohio, Miss Grace Rossin, Newark, O., C. B. Lenox, Alameda County, Cal.; $18.17, Ralph Parsons, Wicomico County, Md; $17.50, Mrs. Mildred Chapman, Uniontown, Pa.

$17.00, Alfred Biddings, Statesville, N. C.; $16.00, Leroy Williams, Newport, R. I., Rev. R. L. Young, Meridian, Miss.; $15.00, Miss Octavia W. Catlett, Montclair, N. J., Mrs. Leona G. Woods, Bridgeport-Stratford, Conn., Mrs. Mattie Moore, Sacramento, Cal.; $14.00. Walter Austin, Stockton, Cal.; $13.89. Mrs. Laura P. Carson, Washington, D. C.; $13.63. Ernest G. Wade. Toledo, O.; $12.60. Miss Hortense Thomas, Bayonne, N. J.; $12.53, Mrs. A. M. Parker, Pine Bluff, Ark.; $12.25, Louis E. Pasco, Boston, Mass.; $11.50. Miss Myrtle McDonald, Albuquerque, N. M.; $11.38, Mrs. C. L. Mason, Evanston, Ill.; $11.35, Mrs. Ethel Winn, Media, Pa.; $11.03, Miss Rosetta Hanks, Bryn Mawr, Pa.; $10.48, Mrs. Ethel Fowler, Staten Island, N. Y.; $10.30, Miss Beatrice Harmon, Chester, Pa.; $10.20, Mrs. Myra Gater, Duluth, Minn.; $10.00. Elzy V. Adams, Massillon, O., Mrs. Kathleen Cannady, Cincinnati, O., Miss Teora Purnell, Santa Barbara, Cal., Nathan Waters, Allegheny Valley, Pa., Robert H. Wheeler, Newark,

N. J., Mrs. Elizabeth St. Charles Edwards, Los Angeles, Cal., Mrs. H. R. Harris, Augusta, Ga., Mrs. Olivia M. Cobb, Monrovia, Cal.; $8.73, Dr. L. P. Furgeson, Waterloo, Ia.; $8.34, Mrs. Walter Taylor, Jamaica, N. Y.; $8.00, Mrs. Sadie B. Felloston, Marion County, W. Va., W. A. Perry, Tucson, Arizona.

$7.52, Mrs. J. J. Turner, Montgomery, W. Va.; $7.13, Mrs. Frances Hanger, Springfield, Ill.; $7.00, Mrs. Jessie Jacobs, Indianapolis, Ind.; $6.00, Mrs. M. E. Sanders, Casper, Wyo., Leroy King, Port Huron, Mich., Mrs. Peggy Derough, Waxahachie, Texas, Mrs. California Taylor-Turner, Boley, Okla., Mrs. Ila Griffin, Mims, Fla., Peter Williams, Vallejo, Cal., Mrs. Julia B. Delany, Raleigh, N. C.; $5.90, Mrs. Mary E. Johnston, Ohio Valley, Pa.; $5.89, Westerfield Millon, Kankakee, Ill.; $5.65, Mrs. Marie G. Baker, Decatur, Ill.; $5.61, C. E. Robertson, Muskogee, Okla.; $5.57, Mrs. M. I. Godfrey, Guthrie, Okla.; $5.00, Mrs. Arline Mayfield, Lake Charles, La., Miss L. L. Woods, Chickasha, Okla., Dr. G. K. Butterfield, Wilson, N. C., Miss Dorothy V. Norris, Petersburg, Va., Mrs. G. W. Thompson, Williamsport, Pa., Mrs. Rose Minton, Princeton, N. J., Mrs. Mary Mitchell, Ardmore, Okla., Miss Tracey E. Baker, Baton Rouge, La.; $4.79, J. T. Howse, Anniston, Ala.; $4.25, N. J. Henderson, Bloomington, Ill.; $4.10, J. Roberts, Davenport, Ia.; $4.00, Mrs. Adelaide S. Turner, Muncie, Ind., Mrs. Rosa L. Randall, East St. Louis, Ill., Mrs. Carrie Pharr, Concord, N. C., Mrs. J. H. Shorter, Asheville, N. C., Mrs. Mabel Fields, Omaha, Nebraska, C. C. Hubbard, Sedalia, Mo., J. S. Brown, Rochester, N. Y., Miss Bessie Thomas, Albany, Ga., (no name) Denver, Colorado; $3.95, Mrs. Mamie E. Shell, Rahway, N. J.; $3.71, Mrs. H. T. Hutton, Sapulpa, Okla.; $3.38, Miss Hazel Greene, Corona, N. Y.; $3.00, A. A. Andrews, Canton, O., Mrs. W. L. Malone, Decatur, Ala., Mrs. Memphis T. Garrison, Gary, W. V.; $2.57, Rev. A. F. Brown, Louisa County, Va.; $2.45, Mrs. Mary B. Hill, Xenia, O; $2.00, Miss Anna Taylor, New Castle, Pa., Miss Betty Jane Roberts, South Bend, Ind., Mrs. N. J. Asberry, Tacoma, Washington, Miss Bernyce I. White, Suffolk, Va., Miss Edith Watson, Inwood, N. Y., (no name) Philadelphia, Pa., Mrs. Carry Burley, Inwood, N. Y.; $1.50, Willie Tolbert, Ellsworth, Pa.; $1.00 Mrs. M. J. Patton, Maysville, Ky.

From Youth Councils and College Chapters:

$158.56, Miss Willya Lacy, Detroit, Mich.; $38.00, Miss Eugenia Murrell, Cleveland, O.; $32.00, Mrs. Gladys, G. Randolph, Richmond, Va.; $28.00, J. E. Briggs, Benedict College, Columbia, S. C.; $17.01, Miss Marie Wall, Pittsburgh, Pa.; $10.04, William Long, Miles Memorial College, Birmingham, Ala.; $10.01, William Boyd, Talladega College, Talladega, Ala.; $10.00, John H. Thompson, West Virginia State College, Institute, W. Va.; $9.05, Mrs. Mary Meadows, Montgomery, W. Va.; $6.00, Raymond McCants, Chicago, Ill.; Larnes Kellum, Portsmouth, O., Dr. A. S. Burton, Newark, O.; $5.00, Miss Vesta Stephens, Anniston, Ala.; $4.00, Miss Marie Walden, Flint, Mich.; $3.85, George Johnson, White Plains, N. Y.; $3.71, Miss Gertrude Brown, Spelman College, Atlanta, Ga.; $3.70, K. Leroy Irvis, Albany, N. Y.; $3.61, Miss Estella Williams, Jamaica, N. Y.; $3.50, Clarence Griffith, Morris Brown College, Atlanta, Ga.; $3.45, Charles Brown, Lansing, Mich.; $3.02, Merrill L. Allen, Boston, Mass.; $3.00, Miss Agatha R. Brown, Anniston, Ala., Junior Youth Council; $2.40, Ralph Latimer, Paine College, Augusta, Ga.; $2.20, President John W. Haywood, Morristown Normal & Industrial College, Morristown, Tenn.; $2.00, A. A. Banks, Jr., Bishop College, Marshall, Texas; $1.63, Charles Copher, Clark Gammon College Chapter, Atlanta, Ga.; $1.32, Miss Miriam Magill, Poughkeepsie, N. Y.; $.67, Earl D. Alexander, St. Philip's Junior College, San Antonio, Tex.

From Individuals Who Volunteered:

$10.00, Mrs. Gladys R. Smith, Sec., Dunbar Art and Study Club, Great Falls, Montana; $5.00, Miss Edith Doar, Brooklyn, N. Y.; $3.00, Mrs. Bertha McWhorter, Worcester, Mass.

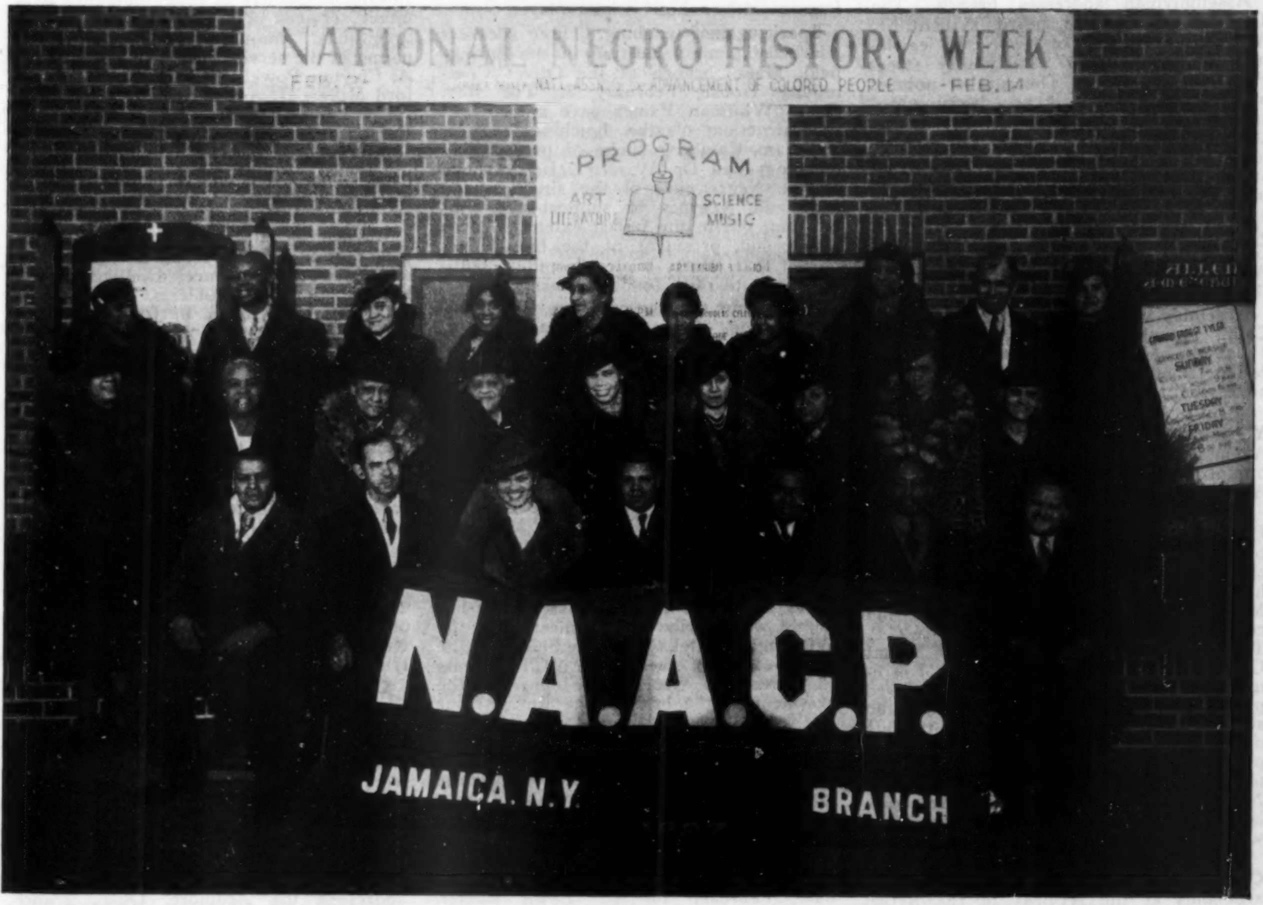
Sorority and Fraternity Contribute to N.A.A.C.P.

The Alpha Kappa Alpha sorority was one of the first, if not the first, of the Greek letter organizations to contribute to the work of the N.A.A.C.P. In 1936 they contributed $182 from chapters and $100 from the Boule at Louisville, making a total of $282. In addition to that, officers of the A.K.A. have offered the N.A.A.C.P. every cooperation in the furthering of its general program and particularly in the pressing of the work against educational inequalities.

The Kappa Alpha Psi fraternity, on March 1, made a formal presentation of a check for $200 to the N.A.A.C.P. to assist in the work against educational inequalities. The sum was voted at the last national conclave.

D.C. School Board to Approve Separate Issues

The latest advice from the District of Columbia School Board with refer-


NATIONAL NEGRO HISTORY WEEK
NAT'L ASSN. ADVANCEMENT OF COLORED PEOPLE
FEB. 14
PROGRAM
ART
LITERATURE
SCIENCE
MUSIC
N.A.A.C.P.
JAMAICA. N.Y.
BRANCH

Members of committee of the Jamaica, N. Y., branch sponsoring Negro History Week, February 7 to 14, 1937. Seated: Frederick Hogan, chairman art and literature committee; Frank M. Turner, branch secretary; Elizabeth W. Johnson, vice-president; Dr. John A. Singleton, president; Rev. Edward Ernest Tyler, chairman radio committee; Gordon H. Jones; Frederic N. Crabb, chairman publicity committee. Second row: Mrs. Hattie Roberts, Mrs. Mary E. Thompson, Mrs. Maude Tompkins, Mrs. Frosty D. Turner, Mrs. Leathe Hemachandra, Mrs. Violet Redman, Mrs. Catherine Alexander, Miss Bebe Hyslop, Mrs. William T. Edwards. Top row: Mrs. Carrie L. Winters, Jacob Powell, Mrs. Ruby Coleman, Mrs. Frederic Crabb, Mrs. Celia Brisbane, Mrs. Carrie M. Wood, Mrs. Mamie P. Eaddy, Mrs. Lillie M. Lee, Frank T. Logan, Mrs. Florence Logan

ence to the removal of The Crisis and *Opportunity* from the approved list of magazines for the school system is that the board will judge individual issues of magazines and periodicals on the question of whether or not they contain expressions, illustrations or implications derogatory to any racial group.

Originally The Crisis and *Opportunity* were recommended for disapproval by Dr. Garnet C. Wilkinson, assistant superintendent of schools, on the grounds that on past occasions they had used the word "nigger" in stories and poems.

The latest ruling is to the effect that individual issues of publications will be judged for approval or disapproval.

Branch News

MEETINGS

Celebration held. Lincoln-Douglass day was celebrated by the **Little Rock, Ark.**, branch with a meeting at the Congregational church, February 14. The Rev. Emanuel C. Dyer of Dallas spoke.

Assemblyman addresses branch. The **Troy, N. Y.**, branch heard William T. Andrews, a member of the N. Y. legislature, on February 17 at Liberty street Presbyterian church. The speaker pointed out that colored people are discriminated against in the matter of securing jobs and stated that everyone should make an effort to see that they have a fair chance at all kinds of work. Mr. Andrews has introduced a resolution in the assembly asking that body to urge the passage of the Wagner-Van Nuys anti-lynching bill. George B. Kelly, president, spoke briefly. A discussion of many problems followed the principal address.

Assembly woman speaks. The **Pasadena, Calif.**, branch held a meeting February 11 at the A.M.E. church. Miss Eleanor Miller, a member of the state assembly, addressed the gathering.

Plan to reorganize. The **Brooklyn, N. Y.**, branch met February 26 at the Carlton Avenue Y.M.C.A. to discuss plans of reorganization and to revive local activity. Alexander Miller is chairman.

Denounces lynching. John F. Lopez of Providence addressed the **Newport, R. I.**, branch at a meeting in Mount Zion A.M.E. church on February 12. The subject of his address was, "The Facts of Lynching. Miss Reberta Dunbar urged white and colored people to join the N.A.A.C.P. The Rev. J. Quinton Jackson, of Mount Olivet Baptist church, was master of ceremonies. The Rev. Caine P. Cole offered prayer. Miss Elsie Reed played a piano solo and James Suggs spoke on the life of Lincoln. Mrs. Florence Carley Hurley, pianist and Edward A. Lodter, violinist, played an instrumental selection. Mrs. Nellie Jeter Windfort recited "Vengeance is Mine." A report on the sale of buttons was made.

Distribute buttons. The **Stamford, Conn.**, branch distributed buttons and armbands at the services of the Bethel A.M.E. and Union Baptist churches, on February 14. The branch met at Elk's Hall, February 18.

Magistrate addresses meeting. Winston-Salem, N. C., branch members heard Louis A. Austin, justice of the peace, at a meeting held February 12 at St. Paul's M.E. church. Mrs. I. J. Williams spoke on the achievements of colored women. L. D. Campt, president of the local N.A.A.C.P., was in the chair. A meeting of campaign workers was held February 15 at the same place.

Name committees. At a meeting on February 16 the executive board of the **Lynchburg, Va.**, branch named the following standing committees: membership, finance, press and publicity, legal redress and legislation, education, entertainment and junior work. Benjamin H. Scott presided.

Elect officers. The **Mobile, Ala.**, branch held its annual election of officers February 26 at the colored Y.M.C.A. building. A review of the year's activity was given and work of the branch was discussed.

Commemorate anniversary. The **San Diego, Calif.**, branch celebrated Lincoln's birthday and the 28th anniversary of the N.A.A.C.P. at a meeting in Logan chapel February 12. The "Stop Lynching" campaign was discussed.

Football star speaks. The annual football banquet of the **Grand Rapids, Mich.**, branch was held February 18 at the Community A.M.E. church. The speaker of the evening was Bernard Jefferson, Northwestern university football star. He is a former Ottawa high school player.

Speak against lynching. Three speakers addressed a mass meeting of the **Springfield, Mass.**, branch at the Olivet Community House, February 3. The Rev. Owen Whitman Eames gave a historical reconstruction of the lynching custom. Abraham Kamberg spoke of present day lynchings and Dr. W. N. DeBerry spoke on the Negro view of the situation and urged all Negroes to support the anti-lynching bill to the fullest extent. George C. Gordon, president of the branch, reported that efforts to arouse public sentiment and to raise funds are being made.

Hi-Y clubs sponsor program. The regular meeting of the **Charleston, W. Va.**, branch was held at Metropolitan Baptist church, February 14. The Hi-Y clubs of two schools arranged a program to celebrate "Race Relations," and also offered musical selections.

The **Auburn, N. Y.**, branch met February 10 at the Community Center. Nelson Ray is president of the branch.

Lawyer addresses group. The **Danville, Ill.**, branch heard Theophilus Mann of Chicago at their meeting on February 12 at Second Baptist church.

Review historic N.A.A.C.P. battles. Cases which the National Association has fought were reviewed at a meeting of the **Wilmington, Del.**, branch, February 10. The outline of these N.A.A.C.P. events was given by George A. Johnson. The president of the branch, the Rev. Arthur R. James, was chairman. Plans for a membership campaign as presented by John O. Hopkins, Jr., the chairman of the special committee, were accepted. George E. Smith reported that the sale of anti-lynching buttons was making progress.

Plan bingo party. The **Morris county, N. J.**, auxiliary of the N.A.A.C.P. met at the home of Mrs. Hubert Jones in Chatham, February 10. Dr. Lewis Baxter, president of the local branch, gave a short talk. Plans for a bingo party were discussed. After the meeting the hostess served supper.

Celebrate anniversary. The Flint, **Mich.**, branch met February 12 at Mt. Olivet Baptist church to celebrate the 28th anniversary of the N.A.A.C.P. There were short talks as part of the program. All proceeds were given to the legal defense fund of the National Association.

Pushkin's poetry hailed. Arthur Schomburg, curator of the 135th Street branch of the New York Public Library, called Alexander Pushkin one of the greatest poets since Homer, at the celebration of Negro History week sponsored by the **Jamaica, L. I.**, branch. He spoke February 11 at a meeting in the Allen A. M. E. church. A program of Negro songs was supervised by Mrs. Carrie M. Wood. The chorus was composed of Mrs. Lora Lewis, Mrs. Florence Hardy, Mrs. Moore Bailey, Mrs. J. J. Varona, Frederick and Clarence Crabb, Ernest Walstein and J. J. Moore.

Tells story of Crispus Attucks. At the February 14 meeting of the celebration Mrs. Glen Visscher Weber spoke on "Notable Negroes of All Times," among them Crispus Attucks. On February 13, Dr. John A. Singleton, president of the branch, was heard over radio station WINS. During the week's celebration, more than 10,000 people attended the exhibit of arts, crafts, music and literature displayed at the Allen A.M.E. church with Frederick D. Hogan in charge.

The week closed with the observance of Interracial Sunday in many churches with union services of Negro and white congregations. Among the ministers participating in the services were: the Reverends A. Clayton Powell, J. Earl Edwards, Clifford Miller, Homer J. Armstrong, William Lloyd Imes, Booker T. Medford, Arthur Rablen and George Davis.

Emphasizes religious and racial problems. The **Evanston, Ill.**, branch held a meeting, February 12, at Ebenezer A.M.E. church to gain support for the federal anti-lynching bill. Dr. Preston Bradley, pastor of the People's church of Chicago, addressed the audience dwelling on religious and racial problems. A short talk was given by Edwin B. Jourdain, alderman of the fifth ward. James Bradley, son of the guest speaker, gave a dramatic recital. Mrs. Ione Wilson sang a solo and a choir, directed by Melvin Smith, sang four selections. The program chairman was Mrs. Loretta Stewart. Mrs. E. A. Saunders is president of the branch.

The **Montgomery, W. Va.**, branch met February 12 at the First Baptist church. J. M. Ellis and Mrs. L. L. Washington were the speakers of the evening.

Explains anti-lynching bill. The **New Haven, Conn.**, branch held an open forum at the Dixwell Community House, February 11. The speaker was James Robinson, of New York. He reported on some N.A.A.C.P. cases and the federal anti-lynching bill.

Contributes to flood relief. The **Lake Charles, La.**, branch collected $7.85 to give to the flood sufferers at a meeting in Odd Fellows Hall, celebrating the 28th anniversary of the N.A.A.C.P. Speakers were: Houston Dutton, the Rev. B. D. Willis, A. G. Washington, A. J. Brown, E. B. Foreman, and Dr. W. C. Hays.

Y. W. C. A. secretary speaks. Mrs. Cordella A. Winn, secretary for advisory service for colored branches of the Y.W.C.A., addressed the Ardmore, Okla., branch, February 19.

Join anti-lynching protest. The **Fisk University** branch at **Nashville, Tenn.**, held a mass meeting against lynching February 12 in the university Memorial chapel. The principal speakers were: Dr.

Alva W. Taylor and the Rev. R. C. Barbour.

CRISIS editor speaks. The **Plainfield, N. J.,** branch closed its interracial committee program of meetings with the final one held at the parish house of the Unitarian church, February 11. The principal address was delivered by Roy Wilkins, assistant secretary of the N.A.A.C.P., and editor of THE CRISIS. His subject was "The New Jersey Bill of Rights."

A play entitled "A Little Leaven," was given, the principal characters being played by Mrs. James LaPoe, William LeCraw, Mrs. Mills Barnes, the Misses Sally and Betty Glen, Homer Reeve, Irving Perlmutter and Dr. Clement De Freitas.

In connection with the civil rights law, a resolution was presented by the Rev. Clifford W. Collins calling on the mayor and all public spirited citizens to see that it is obeyed and all discrimination is stopped. Mrs. H. A. Vanderbeek, chairman, presided.

Observe Negro History week. The February meeting of the **Chester, Pa.,** branch was held February 2 at the William Wilson Memorial Day Nursery. The president, E. Carter Grasty, presided over the business session preceding the program celebrating Negro History week. Clarence A. Brown, Sr., reviewed the Negro's contributions to science and industry. Others gave brief outlines of prominent individuals in past and contemporary American life.

Anti-lynching buttons were placed on sale by Mrs. J. P. Barbour.

Meeting for flood victims. The **Dothan, Ala.,** branch organized a benefit mass meeting for flood victims on February 7 at the First Baptist church. Funds were turned over to the Red Cross. The president of the branch is Dr. D. V. Jemison.

Sponsor educational program. The **Chester, Pa.,** branch met at the Wilson Memorial Day Nursery in February to discuss education, industry and home life. The program was in charge of Mrs. J. H. Miller and Miss Florence Wilson. Musical selections varied the program.

The chairman of the button selling campaign, Mrs. J. Pius Barbour, reported sales were encouraging.

Give interracial dinner. Two hundred colored and white people of **Marion county, W. Va.,** gathered February 9 in the Dunbar high school auditorium for the dinner given by the Fairmont branch of the N.A.A.C.P. The banquet commemorated the first anniversary of the branch and honored the memory of Lincoln and Douglass.

The toastmaster, W. O. Armstrong, introduced the speakers. They were: Mayor Fred T. Wilson, George W. Crockett, president of the branch, the Rev. Harold Hann, Mrs. W. S. Forney of the WPA, Forrest Talbott of the Christian Youth Movement, the Rev. C. A. Scott, pastor of Trinity Methodist Episcopal church, and H. E. Odgers, assistant county superintendent of schools.

Entertainment was furnished by Miss Sade Fellowstone, who sang, Mrs. W. D. Broughton accompanying her; and Miss Gretchen Branch, who sang two solos and later played a violin solo. Mrs. George Crockett, Jr., was her accompanist.

The committee chairman for the affair was Mrs. W. O. Armstrong. It was the first public dinner in the county which both colored and white people have attended.

Report season's activities. The **Brevard county, Fla.,** branch promoted the following events during the winter. The Titusville-Mims youth council staged a mass meeting in November on educational inequalities with Mrs. Florence L. Dyett of Bethune-Cookman college as the speaker. Elmer Silas of Cocoa told of discriminations in the school system. In January emancipation day was celebrated at the Melbourne high school, the speaker being L. E. Hall; afterwards refreshments were served by a committee headed by O. F. Youngblood. At the regular January meeting, accomplishments of the N.A.A.C.P. were discussed.

Negro History week was observed at Cocoa, February 12 at Mt. Moriah A.M.E. church. The schools of the county joined in presenting facts of Negro history. T. W. Everett of Titusville and H. T. Moore of Mims discussed the Negro in literature and his political activities from emancipation to the present. The presiding officer was J. E. Gilbert.

Hold joint celebration. The **Newton, Kans.,** branch and youth council cooperated in a program on Lincoln-Douglass day. The meeting was held February 12 at the C.M.E. church. Talks by Aldace Mercomes, Samuel Ridley, and the Rev. B. J. Gamble, and music by the group featured the program. Mrs. Edward Rawlins sang and a piano solo was played by Mrs. Ruthabel Richman. The benediction was given by the Rev. B. J. Gamble.

The **Suffolk, Va,** branch met February 26 at St. Mark's church. The president is Dr. H. M. Diggs.

Speaks on Lincoln. The Rev. R. F. Johnson gave a talk on Lincoln at a meeting of the **Waterloo, Ia.,** branch on February 18. Solos were sung by Mrs. Nora Turner, Miss Peggy Saunders and Cornelius Walker.

Demand anti-lynching legislation. The **Jamaica, N. Y.,** junior branch sponsored a mass meeting March 12 in South Jamaica to urge the passage of anti-lynching legislation. The meeting was held in the Allen A.M.E. church. Estella Williams, president, was in charge.

Congressman promises support. First Lt. William W. Robinson, president of the **Monrovia, Calif.,** branch received a letter from Congressman Voorhis promising he would make every effort to push forward the anti-lynching bill. He is one of 39 members who have introduced such bills.

Report button sale. The **Colorado Springs, Colo.,** branch heard a report on the sale of "Stop Lynching" buttons at the commemorative services for Frederick Douglass held at Payne Chapel A.M.E. church February 26.

The **Kansas City, Kans.,** branch held its regular monthly meeting February 21 at Eighth street Christian church. An address by the Rev. James A. Moore and music by the junior choir of the Walnut Baptist church made up the program.

Elect officers. The following officers were elected at a meeting of the **Stamford, Conn.,** branch February 19 in Elk's hall: president, Mrs. Ruth Nicholson; vice-president, Mrs. Rhoda Page; recording secretary, Mrs. Pectina General; financial secretary, Mrs. Margaret Williams; treasurer, Randolph Maize; Chaplain, the Rev. D. D. Davis. Executive board members, in addition to the officers, are: Mrs. Carrie M. Terrell, Mrs. Lucy Johnson, Dr. J. Lucian Carwin, Dr. A. N. Grant, W. J. Roberts, Mrs. Julia Parham, and Mrs. Daisy Pelman. Mrs. Page was appointed to call a meeting of local young people interested in the work.

Exhibit Negro art. The **White Plains, N. Y.,** branch closed Negro History week with a mass meeting and an exhibition of art and talks on celebrities, history and achievements. The meeting was held at Calvary Baptist church February 21. The guest speaker was Dr. Harmon H. Perry of Port Chester. Miss Zelma Dunn of Scarsdale was the soloist, Dr. Errold D. Collymore presided. Theodore Jay Lee launched a drive for new members offering prizes for the one bringing in the longest list.

CAMPAIGNS

Stage demonstration. The **South Bend, Ind.,** branch staged an anti-lynching demonstration in Dunbar Center, February 14. It was the climax of a fund-raising campaign. The principal speaker was Clayborn Merriweather of Kentucky, attorney and lecturer. Music was provided by the Four Aces. A membership appeal was made by Charles H. Wills and a report on the button sale was given by Miss Betty Jane Roberts who stated $15.86 had been raised.

Anti-lynching drive launched. The **Colorado Springs, Colo.,** branch had a campaign from February 1 to 12, selling the "Stop Lynching" buttons to raise money for the legal defense fund. Mrs. Paul H. Goffman directed the drive.

Report on drive. The workers of the **Toledo, Ohio,** branch met February 12 at Frederick Douglass community center to make a financial report. Mrs. Frances Bruce Wade was chairman of the committee promoting the campaign to raise money for the anti-lynching work of the N.A.A.C.P.

Meeting closes campaign. The **Syracuse, N. Y.,** branch ended its drive for legal defense funds, with a meeting in People's A.M.E. Zion church, on February 12. Mrs. Hamilton Jones reported on the sale of buttons.

Membership drive. The **Pueblo, Colo.,** branch opened its membership campaign with a mass meeting at St. John's A.M.E. church, February 7. The Rev. W. H. Mitchell gave an address entitled "Pulling Ourselves Up," and H. H. Coates gave a talk on "The Negro of Today." A summary of the year's activities was given by R. C. Martin, president. The men's quartet and women's sextet sang several compositions under the direction of Miss Melba Croom. The drive will continue until March 14.

Sell quota of buttons. The **Davenport, Ia.,** branch closed its button campaign with a program at the Third Baptist church February 12. The branch sold all its allotment of buttons. Speakers were the Rev. W. H. Upton and Dr. C. A. Greer. The N.A.A.C.P. chorus, under the direction of Mrs. M. Nicholson, provided music. The president, Newton Taggart, presided.

Cooperate in button campaign. Mrs. R. B. Powell was chairman of the "Buy a Button," campaign of the **Williamsport, Pa.,** branch. The drive lasted a week.

Express appreciation. The **St. Clairsville, Ohio,** branch addressed a letter of appreciation to the *Chronicle,* thanking those who contributed to the legal defense fund in the recent campaign which ended February 12.

Launch anti-lynching drive. The **Albany,**

N. Y., branch opened its campaign to aid the work against lynching with a meeting at the Booker T. Washington Center, February 18. Dean William Pickens was the principal speaker. The youth council cooperated in the meeting.

Twenty-five workers volunteer. The membership drive of the **Winston-Salem, N. C.**, branch was aided by 25 volunteers. A demonstration to end at the same time was in charge of J. L. Johnson and the membership drive was directed by J. H. R. Gleaves. The campaigns closed February 12 with a meeting at St. Paul's M.E. church.

Promote button sale. The **Winston-Salem, N. C.**, branch conducted its drive against lynching during the first two weeks of February. Buttons and armbands were sold. The sale was directed by J. G. Thomas, Jr., head of the junior division. The campaign closed with exercises at the St. Paul M.E. church.

Push membership drive. The **Columbia, S. C.**, membership drive was carried on during the month of February and ended with a banquet. The city was zoned and captains canvassed each zone.

DISCRIMINATION

Senate passes bill. A committee of lawyers of the Ohio N.A.A.C.P. framed a bill to end discrimination in stores and on air lines and the Ohio senate has passed it unanimously. If the house passes it, such discrimination as Mrs. Sissle met with in a Cleveland apparel shop will be ended.

Judge refuses injunction. The effort of a white resident of Greenburgh, N. Y., to secure a temporary injunction against Mr. and Mrs. Joshua Cockburn to prevent them from occupying their new home in Edgemont Hills, has so far failed. Supreme Court Justice Raymond E. Aldrich refused to grant the injunction pending trial of the suit to oust the Cockburns.

Arthur Garfield Hays, a member of the national legal committee of the N.A.A.C.P., is the attorney for the Cockburns.

Reporter charges discrimination. J. C. Simpson, a reporter for the Richmond, Va., *Planet*, may take an appeal from his fine in a police court, to the supreme court of appeals. Simpson accompanied two Negro girls to a store where an employee was seeking a policeman to make a complaint against them. The girls were being detained by the police while an investigation was made of their alleged disorderly conduct. Simpson charged false arrest of the girls, was ordered to leave, and on refusing was himself arrested on a charge of disorderly conduct.

Company stops discrimination. The practice of segregating colored purchasers of insurance policies has been ended by the Metropolitan Life Insurance Co., of **Jersey City, N. J.** The local branch of the N.A.A.C.P. investigated the custom of having such policyholders transact business at special windows. The Rev. William Byrd and Mr. Evans made the complaint to the company after Mrs. Evans had made the investigation.

PROTESTS

Protest use of derogatory terms. The **Providence, R. I.**, branch sent a letter February 3 to the board of aldermen, protesting an alderman's use of derisive and derogatory terms when speaking of the Negro race at several sessions of the Common Council.

Object to Harrison-Black bill. The **Marion County, W. Va.**, branch of the N.A.A.C.P. recently sent their objection to the Harrison-Black bill to Senator Neely. The letter was also published in the Fairmont *Times*.

To launch drive. The **Jersey City, N.J.**, branch will launch its Spring campaign for 500 new members April 1 with Mrs. Ida E. Brown as general chairman. Roy Wilkins of the national office will speak at the opening meeting April 1 at Calvary Methodist Church of which the Reverend C. M. Kirkpatrick is pastor. The Reverend E. P. Dixon is president of the branch.

Toledo branch dinner. The **Toledo, O.**, branch sponsored a dinner March 8 to launch its spring membership campaign. Two hundred and twenty-five persons, approximately half of them white, attended the affair at the Central Y.M.C.A. The speaker for the occasion was Roy Wilkins, editor of the **Crisis.** Among those at the speaker's table were: Mayor Roy C. Start; City Manager John N. Edy; Edward Kirschner, president of the Chamber of Commerce; Reverend Horace Jenkins; Miss Wilma J. Kudzia, chairman of the dinner committee; Professor Edward C. Ames of the University of Toledo, toastmaster; Ernest G. Wade, president of the Toledo branch; Carlton K. Matson, editor of the Toledo *News-Bee*, who introduced the speaker; Leo B. Marsh, secretary of the Indiana Avenue Y.M.C.A. and chairman of the membership campaign; William T. McKnight, and the Reverend Harlan Frost, secretary of the Toledo council of churches.

Baseball

(*Continued from page* 112)

major league club owners have their own good reasons as they see them for barring Negro players and I do not presume to go back of them. In fact, I do not know what they are.

I do believe, however, that the Negro race has ball players good enough to play major league baseball and my opinion is that they would demean themselves in a manner as sporting and decent as the white players.

C. E. McBride,
Sports Editor

The Chattanooga *News*

You flatter me with your request, but at the same time place me behind the well-known 8-ball. Although I fear no criticism, I am sure to climb into somebody's hair when I air my views on your chosen topic. I, being what you might term a deep south "Southerner," am on "the spot," in the vernacular of the underworld, and I feel sure of the fact that you appreciate my position.

Rather than beat around the bush, I'll get to the point rapidly with the statement that I do not believe that Negroes and major league baseball would ever mix. I say that without any prejudice whatsoever. It is my opinion that white men would never stand for it even in this time of rapid advancement of the Negro athlete.

I am positive that the Negro will never get his place in the sun in the southland, and I am almost as sure that his feats in the northland will never be recognized. It is a known fact, however, that many of our present day Negro baseball players could play rings around their white brothers in the major leagues.

Personally, I feel that if the North is going to march side by side with the black race in other walks of life it should throw off pretense and recognize Negro baseball players.

It is not a question in my mind whether the Negro talent should be given a chance in professional baseball, but how the Negro would fare after he crashed into the baseball racket. We can draw on our imagination. The Negro player would be persecuted to death. Professional baseball, I feel certain, would be a living hell for the Negro.

My statements may seem unfair, but, as I said in the beginning, we speak straight from the shoulder. It has been a pleasure to serve you, if you call it a service. Wishing you the best of luck with your enterprise, I remain

Wilbur Kinley,
Sports Editor

The Daily *Oklahoman*

The probability of Negroes playing major baseball is so far removed from Oklahoma City that I think it not necessary that I express myself.

Such Negro teams that come our way—the Kansas City Monarchs in particular—have conducted themselves properly on the playing field. We enjoyed the games.

Bus Ham,
Sports Editor

San Francisco *Chronicle*

I can see no reason why Negroes should be barred from participation in major league baseball or elsewhere in baseball. Here in California we find Negroes are participants in football, basketball and track and field competition. They are tennis players and amateur boxers. We find Negroes accepted quite generally in professional boxing. So far as I have been able to check they not only rate well up athletically with others in competition but they are well behaved and good sportsmen. I have had good opportunity for watching such situations, particularly at the University of California. Negroes are permitted in semi-pro baseball. I cannot see why there should be any dividing line. If there is such an unwritten bar as you state then, by all means, let us have it removed.

Harry B. Smith,
Sports Editor

Read "Laws Against Liberty"—Adv.

N.A.A.C.P. Youth Council News

Huge New York Meeting

New York City's Anti-lynching Demonstration was held under the auspices of the United Youth Committee Against Lynching composed of representatives of over 100 youth organizations, with Miss Dorothy Height as chairman, Juanita E. Jackson and James Egert Allen, president of the New York branch, advisers. The demonstration was held in Mother A.M.E Zion church, with Dr. Allan Knight Chalmers, chairman of the United Scottsboro Defense Committee, speaking on the "Scottsboro Boys"; Angelo Herndon, "Let Me Live" and Walter White, secretary of the N.A.A.C.P., on the "Federal Anti-lynching Bill." Youth speakers were Louis Burnham, Youth Division National Negro Congress; Janet Feder, American Youth Congress; and James Wechsler, American Student Union. Frank R. Crosswaith, Chairman Negro Labor Committee, spoke on "The Economic Basis of Lynching." A dramatization of the Scottsboro case was enacted by members of the United Youth Committee, led by James H. Robinson, member of the N.A.A.C.P. national board of directors. Mrs. Daisy E. Lampkin, field secretary of the N.A.A.C.P., received button reports from the various chairmen.

A parade was held before the mass meeting. Posters made by the members of the artists' guild and other interested persons were featured. A loud speaker was rigged up outside the Y.M.C.A. on 135th Street, where the parade formed, in order that the paraders might listen to Senator Robert F. Wagner's broadcast over the National Broadcasting System from 6:15 to 6:30 p.m. The parade began at 6:30, passed through the principal streets of Harlem and ended up at the church where the mass meeting was held. The church was crowded to overflowing with more than 2,500 in the audience. Picketers advertised the parade about a week before the demonstration and buttons were sold on the streets. On the day of the demonstration, a loud speaker was used to broadcast news of the Lincoln day activities.

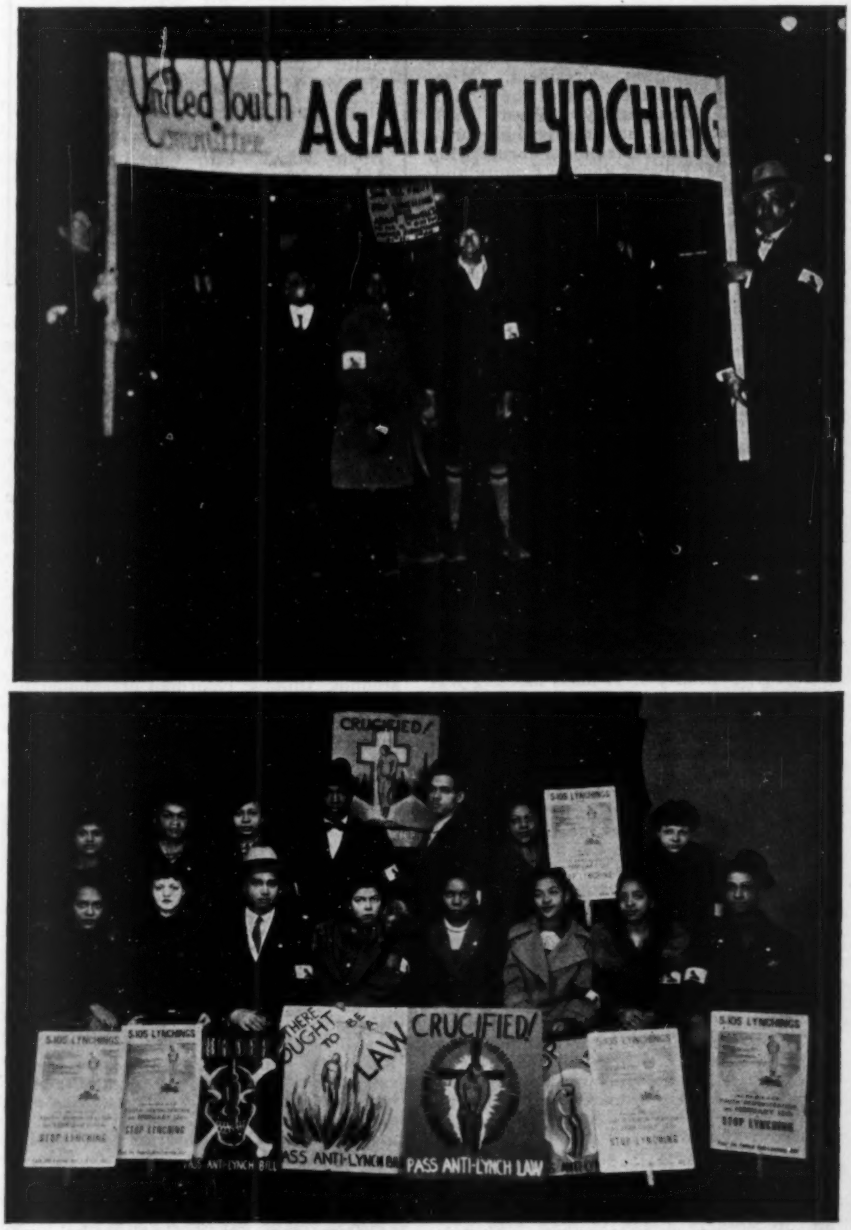
Miss Jackson on Tour

Miss Juanita E. Jackson, director of youth councils of the N.A.A.C.P., spent the month of March on a tour of Oklahoma and Texas. She began February 26 at St. Louis, Mo., and from there went to Kansas City. March 1 to 15 was spent in the state of Oklahoma and March 17 to 21 in Texas. Youth councils and college chapters were organized by Miss Jackson and in addition she spoke before white and college groups and reorganized or revived branches of the N.A.A.C.P. Miss Jackson then launched the membership campaign of the New Orleans, La., branch and returned to New York through Atlanta, Ga. Miss Jackson will spend the month of April conducting membership campaigns in Boston and Springfield, Mass.

Youth Groups Preparing for Detroit Conference

From every section of the country reports are coming in from youth councils and college chapters of their activi-

(*Continued on next page*)



Top picture shows section of the Harlem parade February 12 in the youth demonstrations against lynching. Lower photo gives views of original posters used by Chicago youth council in its demonstration ties in preparation for sending delegates to the Detroit conference June 29–July 4. All sorts of benefit parties are being staged to raise funds for the traveling expenses of delegates. Last year at Baltimore youth councils had more than 200 delegates and this year it is expected that the number at Detroit will exceed 500. If councils have not already started raising funds to send delegates to Detroit they are urged to do so so that the youth section of the 28th annual conference will be able to show a good proportion of the registered delegates.

YOUTH COUNCIL NEWS

Mrs. Alfreda Wood, adviser; Mrs. B. Johnson Washington, president, Miss Ethelda Parish and members of the Youth Council of **Montgomery (West Va.)** planned a most unusual anti-lynching program for their demonstration February 12. Attorney J. M. Ellis of Fayette County and Miss Lillian L. Washington of West Virginia State College, were the principal speakers.

The Youth Council of **Jamaica, N. Y.** had their anti-lynching demonstration Friday evening, March 12, at Allen A.M.E. church. Roy Wilkins, editor of THE CRISIS and assistant secretary of the N.A.A.C.P., and James H. Robinson, member of the national board of directors of the N.A.A.C.P., were the principal speakers.

Virginia State College chapter had the Rev. William Lloyd Imes, of New York City, to speak for them on lynching, February 12, which came during their week of prayer. In an impressive demonstration they formed a line in front of the dining hall at meal time with pickets wearing ropes around their necks and two posters condemning lynching. They sent a letter to Congress about the anti-lynching bill and the Harrison-Black bill on federal appropriations for education.

The **Columbus, Ohio,** youth council presented its anti-lynching demonstration Tuesday, February 9. A mass meeting was held in the annex of the Y.W.C.A. and Dr. Charles L. Hill, dean of theology at Morris Brown college, addressed the group. On Friday telegrams were sent to President Roosevelt urging the passing of the anti-lynching bill. On Friday, February 12, members of the youth council went to Newark, Ohio, where a mass meeting was held. Miss Maude Jones, Barbee Durham, Miss Letitia Woods and H. Stratton Hopson, state youth council president, were the Columbus people on the program. Miss Jones spoke on the background of the N.A.A.C.P.; Mr. Durham, the achievements of the N.A.A.C.P.; Miss Woods spoke on labor unions and Mr. Hopson gave an address "The Lynch Mob." Columbus is having a spring membership drive now.

The **Paine College** chapter, Augusta, Ga., had the Rev. I. J. Yancey as their principal speaker at the anti-lynching demonstration which was largely attended by city people. Rev. Yancey's subject was "The Insane Fury of the Mob." A general discussion followed the speech, and resolutions and telegrams were sent President Roosevelt.

The **Rochester, Pa.,** Youth Council held their demonstration in conjunction with the Boy Scouts. Buttons were sold and a telegram and night letter were sent President Roosevelt and Senator Guffey, respectively.

HONOR ROLL

27 Youth Councils Make Application for Charter

Twenty-seven youth councils and college chapters have applied for their charters from the national office. They are: Baltimore, Md., Detroit, Michigan: West Side, North End; Birdhurst; Boston, Mass., Talladega College, Talladega, Ala., Pittsburgh, Pa., Paine College, Augusta, Ga., Lansing, Mich., Mobile, Ala., Portsmouth, O., Albany, N. Y., Richmond, Va., Chicago, Ill., White Plains, N. Y., Pennsylvania State College, Pa., Staten Island, N. Y., Cleveland, O., West Virginia State College, Institute, West Virginia, New Rochelle, N. Y., Bryn Mawr, Pa., Cincinnati, O., Jersey City, N. J., El Paso, Tex., Columbus, O., Springfield, Mass., and Spelman College, Atlanta, Ga.

The principal speakers on the **Fisk university** (Nashville, Tenn.) anti-lynching program were the Rev. R. C. Barbour, pastor of the First Baptist church of Nashville and Dr. Alva W. Taylor, formerly of Vanderbilt university, now of the department of economics of Fisk. Raleigh Morgan, a Fisk student, reviewed Walter White's "Rope and Faggot." There was a large audience of students and visitors. The Fisk chapter is just recently organized and has elected the followng officers: president, Clarence P. Reid, of New York City; vice-president, Arthur J. Thompson, Detroit; recording secretary, Miss Wylele Johnson, New Orleans; corresponding secretary, Miss Helen Marie Scott, Cleveland; treasurer, Shirley Foley, Louisville; chairman of program committee, Rollins L. Winslow, Mounds, Illinois; chairman of membership committee, Virgil Young, Hartford, Conn.; chairman of Christmas seal sales, Miss India Wallace, Washington, D. C.

Talladega College, (Al.) held its anti-lynching demonstration in conjunction with Negro History week. Sunday, February 7, Miss Lillian W. Voorhees led a discussion of the Angelo Herndon case. Tuesday, February 9, Charles Ashe spoke on "The Part of the N.A.A.C.P. in Negro History." Edward Jacko spoke to the students on "The Negro as a Capitalist." A review of "Negro History in Thirteen Plays" was given by Miss Carol Brice on Thursday and on Friday Miss Catherine Cater discussed "Magazines from the Negro Press in our Library." The week's celebration was closed on Sunday with a speech by President Buell G. Gallagher on "Race Relations." The local chapter sponsored an essay contest on "Why I Want the Anti-lynching Law Passed." A first prize of $2 and second of $1 was offered. Publicity was given the week's celebration in the Birmingham **Age-Herald** and Anniston **Star**, the editors discussing lynching in their editorials as requested by the chapter. Buttons have been selling very well.

White Plains (N. Y.) held its anti-lynching demonstration Friday evening, February 12 at Calvary Baptist church. Dr. C. L. Franklin of Tarrytown was guest speaker. A dramatic recitation on lynching was given by Miss Cornelia Ray, following which George Johnson, president of the youth council spoke briefly on the purpose of the meeting. Then Dr. E. D. Collymore, president of the senior branch, introduced the speaker. Mr. Johnson read the petition which is to be sent to congress and asked everyone to sign it, explaining its importance. William Robinson, chairman of the button sale and chairman of membership committee engineered the sale of buttons. Armbands were distributed to persons not wearing them as they entered the church.

Justice Harlan

(*Continued from page* 114)

of Kentucky be sound, that Commonwealth may, without infringing the Constitution of the United States, forbid the association in the same private schools of pupils of the Anglo-Saxon and Latin races respectively, or pupils of the Christian and Jewish faiths respectively. A state may make it a crime for white and colored persons to frequent the same market places at the same time or appear in an assemblage of citizens convened to consider questions of a public or political nature in which all citizens without regard to race are equally interested[8]. . . . the whole statute should, therefore, be held void otherwise it will be taken as the law of Kentucky to be enforced by its courts, that the teaching of white and black pupils at the same time, even in a private institution, is a crime against that Commonwealth, punishable by a fine and imprisonment."

This declaration was more than a warning, it was a prophecy. It was, too, the plea of an implicit believer in democratic institutions to his brethren to set aside their individual prejudices and interpret the Constitution as was just and right. It expressed the fear of the "last of the tobacco-spittin' judges"[9] that democracy was imperiled by such decisions.

Justice Harlan has sometimes been compared with Justice Holmes. They have been in agreement in their opposition to a "dry and literal enforcement of the provisions of the Fourteenth amendment,"[1] but the essential difference in their makeup is reflected in the construction of their opinions.

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[8] See Grovey v. Townsend, 295 U.S. 45 in which the supreme court held constitutional a resolution of the Democratic Party of Texas prohibiting Negroes from becoming members of such party and voting at primary elections, thus in effect, disfranchising the colored voter in Texas.

[9] Justice Holmes.

[1] Justices Harlan and Holmes, 23 Case and Comment, 315.

(*Continued on page* 124)

Read "Laws Against Liberty"—Adv.

Book Review

THE RAPE OF AFRICA by Lamar Middleton. 331 pp. Harrison Smith and Robert Haas, New York. $3.00.

While the interest of the world was centered on the conquest of Ethiopia by Italy, Lamar Middleton seized the opportunity to present in his book, "The Rape of Africa," a complete study of European conquests of the so-called dark continent from the last quarter of the 19th century up until the recently closed imbroglio between Italy and Ethiopia. Just as Italy has excused her stand on the theory that Ethiopia needs the influencing protection of civilization, likewise other European countries have used such vague reasons to plunder, pillage, and seize the land and commit heinous atrocities upon the African natives. When the reader realizes that sixty years ago nine-tenths of Africa was free, he understands how complete the job of rapine has been after studying a map of Africa today.

Of major interest is the means by which these acquisitions were obtained. Throughout, there is evident the political machinery put into operation to effect the partitioning into equalizing shares so that all might have "a slice of the melon." Mixed in with these political machinations are acts of blunder and buffoonery that would put modern international diplomacy to shame. Passing before us are the well known figures such as Stanley, Livingston, Leopold, Cromer, Emin Pasha, Cecil Rhodes, Kitchner, Major Marchand and a host of others who played major parts in the ultimate destiny of this land. From the culture and influence of these civilizing countries Africa has acquired certain "transcendental delights" including "chain gangs, taxes, military conscription, missionaries, flogging, gin, rum, jack-in-the-boxes and other boons of occidental invention." The author is dubious about the value of any of these delights in a so-called civilizing program. The book may be broadly summed as an indictment not only against an imperialism by which "a continent has been stolen from 140,000,000 natives," but imperialism in general.

Since Mr. Middleton is a newspaper reporter by profession, he gives to his literary style a certain reportorial flavor making for an effectiveness that a conventional literary approach would have destroyed. Supplementing this reportorial style is the utilization of sarcasm through which device the author causes to stand out more bluntly the injustices heaped upon a people and the ruthlessness of those responsible. There are places, however, where the author is vague in his assertions. Complete clarification of all issues involved would have enhanced the value of the work. Of the many recent books relating to Africa that have been published, "The Rape of Africa" should have a certain longevity because of the important historical information the volume contains.

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King of Swing

(*Continued from page* 111)

stand for the mixture.

It wasn't until the spring of 1936 that Benny decided to attempt the impossible and use Teddy Wilson with the "trio" in the band. While he was at the Congress Hotel in Chicago, Benny used Teddy during the show and for playing while the band was off the stand. Not only were there no protests; the managers and patrons were equally delighted by Teddy's lack of ostentation and his flawless technique. The color bugaboo was being disposed of.

Everywhere the band went, the trio, which included Benny, Gene Krupa, the drummer, and Wilson, was the hit of the evening. Broadway and the managers were still skeptical, however; they insisted that Wilson was the exception to the rule and that the public still looked askance at racial mingling in orchestras. To prove them wrong Benny added another Negro, an astounding young vibraphonist and drummer from California, Lionel Hampton; and the trio became a quartet. When Gene Krupa had to drop out of the band for a few weeks recently Lionel filled his shoes acceptably, and Goodman's band was actually a black and white affair. Although the Hotel Pennsylvania, where Benny now plays, caters to many dyed-in-the-wool southerners there was nary a protest. The opposite is true, for the band, thanks at least partly to the efforts of the trio and quartet, has broken all records at the hotel, and for that matter, in the City of New York.

Benny still maintains a racial bias—in favor of the Negro. He is toying with the idea of bolstering his saxophone section with two colored virtuosi. At the moment he is far at the top of white bands that swing, but when competition becomes keener he may be forced to add excellent Negroes.

The Camel Program

The greatest victory Benny has won is with his radio sponsors, the southern makers of Camel cigarettes. When they learned that Teddy Wilson was colored they hit the roof and tried not to announce his name on the air. Goodman was militant, however, and now he regularly features on the Camel show, with full announcements both Wilson and Hampton, as well as Chick Webb's great singer, Ella Fitzgerald, whenever that maestro relents.

One of Benny's favorite diversions is to sit in on a Jam session with top-notch instrumentalists. Late one night in the last week of January Benny and six stars from his own and from Count Basie's wonderful colored band took possession of Harlem's Uptown House for four hours and provided an orgy of swing. The musicians were so "sent" by their improvisations that they played single tunes for forty minutes, with succeeding choruses providing so much excitement that the place literally went crazy. After that night Benny decided that Lester Young, one of Basie's reed men, is the greatest tenor saxophonist in the country by far and that Count Basie himself ranks with the finest pianists anywhere.

The bands that give Benny the greatest kick are Fletcher Henderson, Duke

(*Continued on next page*)

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Ellington, Count Basie, and Chick Webb. His favorite individual instrumentalists are almost all Negro: Johnny Hodges on alto sax; Lester Young, tenor sax; Teddy Wilson, John Kirby, bass; Roy Eldridge, trumpet, and the lone white exception, Gene Krupa, drums. He looks forward to the day when the American public will accept without qualms mixed bands, for he is certain that they are the logical development. He feels that the managers are entirely wrong in their fear of the public's reaction and points with pride to the fact that there has not been even the faintest protest about Hampton and Wilson from the musical public.

Benny's relations with Negro musician's has but one serious blemish, the appropriation of some of the credit for writing Edgar Sampson's Stompin' at the Savoy. That unfortunate episode has passed, hovever, and Benny is no longer assuming even part credit for the tunes which his arranger, James Mundy, writes for the band. He realizes fully that without the aid of Negro musicians his band would never have attained its present popularity.

Justice Harlan

(*Continued from page* 122)

"In tone and technique the opinions of Harlan and Holmes are little alike. Those of Justice Holmes have been much praised. 'In their impact and sweep and fertile phrase,' says Professor Felix Frankfurter, 'the opinions have been a superbly harmonious vehicle for the views which they embody. It all seems so easy,—brilliant birds pulled from the magician's sleeve:' Justice Harlan's approach to the question up for solution is always direct and logical. He lacked Justice Holmes' faculty for happy expressions but his opinions have an equal force."[2]

Directness, simplicity, force characterized his opinions. Justice Harlan was not as beloved as Justice Holmes. Holmes was a liberal. Harlan saw only one side of a question, and that he saw violently, something incapable in the makeup of a liberal. He was truly as uncompromising as justice. He could not have concurred in the Townsend v. Grovey Case[3] as did those great liberals of today, Justices Brandeis and Cardozo. No more could he have refrained from writing a separate concurring opinion in the Buchanan v. Warley case[4] which, while invalidating the Louisville segregation law, established concretely the astounding principle of the exaltation of property rights over personal liberties. One can well imagine Justice Harlan's tremendous and powerful hand condemning such philosophy unmercifully.

There was no mistaking the meaning of what he said. The folly of the drawing of fine distinctions against which he battled vehemently all his life can be no more better illustrated than by the recent account of a District of Columbia justice taking the bench to explain his written opinion.[5] That could never have happened to Justice Harlan. What he said he meant from the bottom of his heart. And what he meant is apparent today to any layman who reads his opinions.[6] That is more than can be said of almost any other of our supreme court justices, Holmes with his "happy expressions," and Cardozo with his masterly phraseology, included.

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[2] Ibid

[3] 295 U.S. 45, Supra.

[4] 245 U.S. 60

[5] Court Index

[6] See, 23 Greenbag 654, An Editorial of Appreciation.

"The mind of Justice Harlan. . . .was more rugged than keen, and better fitted to cope with practical realities than with subleties of legal reasoning and extinct lore of the books. This fact accounts for the simple direct, persuasive quality of his judicial opinions, which were easily understood by the layman, and had a downrightness that commanded the admiration of the bar for their vigor and independence."

Flood Area

(*Continued from page* 106)

that whites worked on the levee also, but, said he: "They had all the soft jobs. All the white folks I saw were foremen and those who weren't regular foremen made little signs saying 'foreman' and pinned them on their coats."

The Commissioner Regrets

Police Commissioner Clifford Davis granted me an interview, said he did not approve of what was done on Beale avenue and that as soon as he found out about it, he stopped it. (He stopped it as soon as the flood danger was past.)

The commissioner seemingly could not for the life of him explain how it was that uniformed Memphis police under his command could have shanghaiied free citizens into forced labor without orders from someone higher up. He suggested rather lamely and hurriedly that "some deputy sheriff from out in the country got excited, came into town and got some policemen to help him round up men." I asked him if deputy sheriffs outside of Memphis had the authority to issue orders to his police force, but he was lighting a fresh cigar at the time and didn't answer. It takes a lot of concentration to light a cigar.

Anyway, as I left, he sang me the old song: "The relations between the races are good in Memphis. I have a lot of friends among the colored people. We have good schools for them. They are fine citizens. I spoke at one of their churches just a short time ago, etc, etc."

(The school situation is nothing to brag about. I saw one ancient building crammed down in a warehouse, tenement-shack district, with no play space, with one trunk line railroad running in front of the school and another running almost in its back door. Not far away was a white school set on a terrace, with lawn and playground in abundance.)

The WPA administrator, S. T. Pease, is a nice old gentleman who seemed to be disturbed by the thought that there was anything irregular in recruiting the levee labor paid by his office. He said they had sent a request to him for 2,000 men and he had only 200 available. They agreed to get the men if he would pay them. He paid them and asked no questions about how they got on the payroll. He smokes a hefty pipe, does Mr. Pease, and good tobacco, and he was much more polite than most Memphis white folk.

The Army engineers had nothing to do with the forced labor. They did not look after the city levees. What labor they did use on river levees near Memphis was secured in the regular way through the WPA.

As for the actual administration of relief by the Red Cross in Memphis, it seemed to be as free of discrimination as one could expect. The higher officials tried hard to maintain equality. Good solid food was served in abundance. There was some discrimination in handing out clothing. Whites got good stuff and Negroes got what the white people thought was good enough for Negroes. There was a story going around that one town in Mississippi had 800 Negro refugees and several truckloads of good clothing were sent. When it arrived and the officials saw the quality, they sent it all back, saying their Negroes did not need anything.

The Memphis Red Cross did employ temporarily about a dozen colored people, some of them Le Moyne college students, as interviewers, clerks and junior social workers.

Stricken Paducah

It was a cold, gray, wet Sunday when I came to Paducah, the city of 35,000 population which had been entirely inundated. Almost every resident, including the 7,000 colored citizens, had been evacuated to nearby and distant points.

It was a gray tale of woe I heard, also, that Sunday. The only way out of the town was to Mayfield, Ky., about fifteen miles away. Here the people were sent in droves, and from there to other places.

Two colored doctors, G. A. Davis and P. M. Fernandez, driven from their homes by the water, went to Mayfield and offered to aid the Red Cross. They were accepted and worked day and night. But the Red Cross made no provision for their lodging and food. Finally they were given refugee food tickets and after working hours with the sick, had to stand in line to get tickets and then stand in line again to get food.

Meanwhile white doctors doing the same work had excellent, comfortable lodgings provided for them at Red Cross expense and good meals in regular restaurants or private boarding houses. To add insult to injury, Drs. Fernandez and Davis later were put on the Red Cross payroll—*at $65 a month.*

As Dr. Davis told me this tale in a quiet, but bitter tone, my mind went back to the Red Cross medical offices on the 25th floor of the Sterick building in Memphis. I thought of the rumor that white doctors in Memphis, comfortable and dry, working in established base hospitals, were being paid $350 a month. I recalled the rumor that colored doctors in Memphis had been offered $200 a month.

I looked again at the little man in front of me, the gray at his temples showing as he gazed across the campus of the West Kentucky Industrial college. He had on boots and there was mud caked around the bottom of his overcoat. He was talking calmly of the water that had covered the first floor of his house, ruining his office equipment and his instruments. He did not know exactly how much damage had been done his own home, for he had just come over from the firing line in Mayfield.

Sixty-five dollars a month. Already he had received a check for $32.50. And yet he did not know how it was with his own fortunes. What a picnic the doctors in Memphis were having! No telephone service here. Few cars. Few lights. Mud everywhere. Tents. Yet adults and babies were sick and had to have care. The Red Cross collected 20 millions of dollars for flood relief and Davis and Fernandez (and others for all I know) battled disease and misery and death, with no thought of themselves, for *sixty-five dollars a month.*

"Aid will be administered without discrimination," Admiral Cary T. Grayson, head of the Red Cross, had wired the N.A.A.C.P. This declaration had been echoed by every official with whom I had talked, but what about Paducah?

West Memphis levee bottom

College a camp

West Kentucky Industrial College, presided over by the veteran educator D. H. Anderson, and Dean T. R. Dailey, proved a God-send to the refugees. There were still 863 persons housed when I passed through. Medical attention had been skimpy and it was a miracle that no epidemic had broken out. The food was substantial. People slept on cots placed in every available space. The auditorium was a huge, one-room dormitory.

Red Cross work was just getting under way. Some of the people, whose homes could not be re-occupied, were to be housed in a tent colony just off the campus until some plans could be made for them. Louisville followed this same plan for those whose homes were destroyed.

David G. Linden, in charge of Red Cross work among Paducah's colored people, came to the job from Washington. Numerous whites, with and without Red Cross experience, were hired and imported by the Red Cross, but few, if any, trained Negro workers were employed. In fact, the Red Cross refused to employ trained Negro case workers in New York and send them into the South.

As an example of the efficiency of the white "case workers" on duty in Paducah, some of them rushed up to colored refugees who were just climbing out of trucks on the college campus. Bear in mind that the refugees had just been brought back to the city and had not as yet even seen their homes. Said the social workers:

"What is your name? Where do you live? How high did the water get in your house? How much damage do you think it did? How much furniture did you lose?"

All these questions to bewildered people whose last glimpse of their homes had been water rising in their front yards. How did they know what damage had been done?

And so I left Paducah, fighting bravely to get back to normal, and came up the river to St. Louis and talked briefly with the director of the whole area west of the Mississippi. They would do their best for the evacuated sharecroppers and tenants in Arkansas, he said. Some planters were cooperating and some the Red Cross looked on and listened to with a skeptic eye. But they would do their best . . . they were not there to solve the sharecropper problem or the race problem . . . just to give relief according to need, not according to loss.

Home again to Fifth avenue and Harlem, far from the flood area and yet so near to the flood victims. I can see

(*Continued on next page*)

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some of them still. The shy youngster in Paducah who wanted to pose for his picture and yet hesitated. The resolute middle-aged farmer, looking me straight in the eye and saying he wasn't going back to Arkansas because he did not have anything to go back to. The little lad on Main street, Memphis, who said he was from Earle, Ark., but "I ain't on the Red Cross." The man and woman and nine children hanging to a dilapidated wagon hauled by briskly-trotting, bony mules, getting along the highway back home into Arkansas. Children, children everywhere. Patient, worried mothers trying to keep broods together. Grandmothers with their pipes, rocking; or folded up under a blanket, sleeping trouble away. Here and there a clear, soft voice—a school voice, college-bred, alert, seeing the whole picture and wondering what will come of it.

And the big man and the fat woman in the jim crow waiting room of the Memphis railroad station:

"Hit's God's work. When He want the water to come, it come, and they ain't no use of man making dikes and walls. Cain't stop God! Nuthin' to do but git yo' belongings and get out when God's water come."

It may have been God's work. I am not an authority on that point. But certain it is that the wildly-flowing waters of the Ohio did wash away, for the moment, some of the meanness, and pettiness and hatred in the hearts of men for their fellow men. We are a little ahead of where we were before the flood; a few gains have been registered in the never-ending battle for peace, respect and security.

Congress to Honor Booker T. Washington

At the request of Congressman Arthur W. Mitchell, of Illinois, made in a speech in the House of Representatives on March 11, the House will pause in its business on April 5 and listen to a thirty-minute address upon the life and work of Booker T. Washington. The address will be given by Rep. Mitchell. April 5 is the birthday of the founder of Tuskegee Institute.

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